

WESTERN AUSTRALIA

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# LIQUOR AMENDMENT ACT

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No. 34 of 1987

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AN ACT to amend the *Liquor Act 1970*.

[Assented to 29 June 1987]

**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:—

## Short title

1. This Act may be cited as the *Liquor Amendment Act 1987*.

## Commencement

2. This Act shall—
  - (a) if it receives the Royal Assent on or before 1 July 1987, come into operation on 1 July 1987; or
  - (b) if it receives the Royal Assent after 1 July 1987, be deemed to have come into operation on 1 July 1987.

**Principal Act**

3. In this Act the *Liquor Act 1970\** is referred to as the principal Act.

[\*Reprinted as at 30 October 1986 and amended by Act No. 97 of 1986.]

**Section 6 amended**

4. Section 6 of the principal Act is amended in subsection (1)(h) by deleting subparagraph (iii) and substituting the following subparagraph—

“ (iii) is not sold or supplied at any time outside the hours of—

(A) 8.30 a.m. and 8.30 p.m. on any day (other than a Sunday); or

(B) 10 a.m. and 6 p.m. on a Sunday,

or at any time on Good Friday, Anzac Day or Christmas Day; ”.

**Section 7 amended**

5. Section 7 of the principal Act is amended—

(a) in subsection (1) by deleting—

(i) the definition of “bar” and substituting the following definition—

“ “bar” means, for the purposes of—

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

(b) any licensed premises other than those referred to in paragraph (a) (not being premises to which a store licence, a wholesale licence or a brewer’s licence relates), that part of those 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 those licensed premises, and includes any part of those licensed premises set aside for the sale of liquor in sealed containers; ”;

(ii) the definitions of “ordinary trading hours” and “weekday”;

(iii) the definition of “meal” and substituting the following definition—

“ “meal” means a genuine meal eaten by a person; ”;  
and

(iv) “an entertainment permit,” in the definition of “permit of a continuing nature”;

and

(b) by repealing subsections (1a), (1b), (2) and (2a).

### **Section 16 amended**

6. Section 16 of the principal Act is amended in subsection (1) by deleting paragraph (d).

### **Section 23A repealed**

7. Section 23A of the principal Act is repealed.

### **Section 24 amended**

8. Section 24 of the principal Act is amended by repealing subsections (1) to (5) and substituting the following subsections—

“ (1) Subject to this section, an hotel licence authorizes the licensee to sell and supply liquor on the licensed premises—

(a) on any day (other than a Sunday) between 6 a.m. and 12 midnight;

- (b) on a Sunday during—
  - (i) one continuous period of; or
  - (ii) 2 continuous periods together amounting to, 6 hours between 11 a.m. and 8 p.m. chosen by him and notified in writing by him to the Director; and
- (c) at any time to a lodger of the licensed premises, for consumption on or off the licensed premises.

(2) Subject to subsections (3) and (4), a licensee selling and supplying liquor under subsection (1) (a) shall—

- (a) choose—
  - (i) the continuous period between 11 a.m. and 7 p.m.;
  - or
  - (ii) any other continuous period of 8 hours between the times referred to in subsection (1) (a);
- (b) keep the licensed premises open for that sale and supply during the period chosen under paragraph (a); and
- (c) if he chooses a period under paragraph (a) (ii), notify in writing the Director of the period chosen under that paragraph.

(3) Subsection (2) does not apply to a day which is a Good Friday, Anzac Day or Christmas Day.

(4) The Director may, on the application of a licensee, direct that subsection (2) does not apply in the case of the licensee to a day or days specified in that direction, and such a direction has effect according to its tenor.

(5) An hotel licence authorizes the licensee to sell and supply liquor on the licensed premises with or ancillary to a meal supplied by the licensee between—

- (a) 12 midnight on any day (other than a Sunday, Christmas Day or Good Friday) and 12.30 a.m. on the following day, notwithstanding that the following day is a Sunday, Christmas Day, Good Friday or Anzac Day; and

(b) 12 midday and 10 p.m. on a Sunday or Christmas Day,

if that meal is supplied and taken in good faith in a dining room on the licensed premises, and the liquor so sold and supplied is consumed in a dining room or reception area on the licensed premises.

(6) Notwithstanding anything in this section, a licensee selling or supplying liquor under subsection (1) (a) or (1) (b)—

(a) shall not do so—

(i) on Christmas Day or Good Friday; or

(ii) before 12 midday on Anzac Day;

but

(b) may do so between—

(i) 12 midnight on a New Year's Eve which is not a Sunday and 2 a.m. on the following New Year's Day; and

(ii) the end of the continuous period referred to in subsection (1) (b) (i) or the end of the second continuous period referred to in subsection (1) (b) (ii), as the case requires, on a New Year's Eve which is a Sunday and 2 a.m. on the following New Year's Day. ”.

### **Section 24A repealed**

9. Section 24A of the principal Act is repealed.

### **Section 25 amended**

10. Section 25 of the principal Act is amended in subsection (2) (a) (iii) by deleting “the hours of 9 a.m. of one day and 2 a.m. of the following day, notwithstanding that the following day is a Good Friday,” and substituting the following—

“ such times as are ”.

**Section 26 amended****11. Section 26 of the principal Act is amended—**

- (a) by repealing subsection (1) and substituting the following subsections—

“ (1) Subject to this section, a tavern licence authorizes the licensee to sell and supply liquor on the licensed premises—

(a) on any day (other than a Sunday) between 6 a.m. and 12 midnight; and

(b) on a Sunday during—

(i) one continuous period of; or

(ii) 2 continuous periods together amounting to,

6 hours between 11 a.m. and 8 p.m. chosen by him and notified in writing by him to the Director,

for consumption on or off the licensed premises.

(1a) Subject to subsections (1b) and (1c), a licensee selling and supplying liquor under subsection (1) (a) shall—

(a) choose—

(i) the continuous period between 11 a.m. and 7 p.m.; or

(ii) any other continuous period of 8 hours between the times referred to in that subsection;

(b) keep the licensed premises open for that sale and supply during the period chosen under paragraph (a); and

(c) if he chooses a period under paragraph (a) (ii), notify in writing the Director of the period chosen under that paragraph.

(1b) Subsection (1a) does not apply to a day which is a Good Friday, Anzac Day or Christmas Day.

(1c) The Director may, on the application of a licensee, direct that subsection (1a) does not apply in the case of the licensee to a day or days specified in that direction, and such a direction has effect according to its tenor.

(1d) A tavern licence authorizes the licensee to sell and supply liquor on the licensed premises with or ancillary to a meal supplied by the licensee between—

- (a) 12 midnight on any day (other than a Sunday, Christmas Day or Good Friday) and 12.30 a.m. on the following day, notwithstanding that the following day is a Sunday, Christmas Day, Good Friday or Anzac Day; and
- (b) 12 midday and 10 p.m. on a Sunday or Christmas Day,

if that meal is supplied and taken in good faith in a dining room on the licensed premises, and the liquor so sold and supplied is consumed in a dining room or reception area on the licensed premises.

(1e) Notwithstanding anything in this section, a licensee selling or supplying liquor under subsection (1) (a) or (1) (b)—

- (a) shall not do so—
  - (i) on Christmas Day or Good Friday; or
  - (ii) before 12 midday on Anzac Day;

but

- (b) may do so between—
  - (i) 12 midnight on a New Year's Eve which is not a Sunday and 2 a.m. on the following New Year's Day; and
  - (ii) the end of the continuous period referred to in subsection (1) (b) (i) or the end of the second continuous period referred to in subsection (1) (b) (ii), as the case requires, on a New Year's Eve which is a Sunday and 2 a.m. on the following New Year's Day. ”;

(b) in subsection (2) by deleting “ordinary trading hours” and substituting the following—

“ the period chosen by him under subsection (1a) (a) ”; and

(c) in subsection (3) by deleting “(2), (3), (5), ”.

**Section 27 repealed and substituted**

**12.** Section 27 of the principal Act is repealed and the following section is substituted—

**Limited hotel licence**

“ 27. (1) Subject to this section, a limited hotel licence authorizes the licensee to sell and supply liquor on the licensed premises—

(a) on any day (other than a Sunday) between 6 a.m. and 12 midnight;

(b) on a Sunday during—

(i) one continuous period of; or

(ii) 2 continuous periods together amounting to,

6 hours between 11 a.m. and 8 p.m. chosen by him and notified in writing by him to the Director; and

(c) at any time to a lodger of the licensed premises,

for consumption on the licensed premises.

(2) Subject to subsections (3) and (4), a licensee selling and supplying liquor under subsection (1) (a) shall—

(a) choose—

(i) the continuous period between 11 a.m. and 7 p.m.;

or

(ii) any other continuous period of 8 hours between the times referred to in that subsection;

(b) keep the licensed premises open for that sale and supply during the period chosen under paragraph (a); and

(c) if he chooses a period under paragraph (a) (ii), notify in writing the Director of the period chosen under that paragraph.

(3) Subsection (2) does not apply to a day which is a Good Friday, Anzac Day or Christmas Day.



(4) The Director may, on the application of a licensee, direct that subsection (2) does not apply in the case of the licensee to a day or days specified in that direction, and such a direction has effect according to its tenor.

(5) A limited hotel licence authorizes the licensee to sell and supply liquor on the licensed premises with or ancillary to a meal supplied by the licensee between—

(a) 12 midnight on any day (other than a Sunday, Christmas Day or Good Friday) and 12.30 a.m. on the following day, notwithstanding that the following day is a Sunday, Christmas Day, Good Friday or Anzac Day; and

(b) 12 midday and 10 p.m. on a Sunday or Christmas Day,

if that meal is supplied and taken in good faith in a dining room on the licensed premises, and the liquor so sold and supplied is consumed in a dining room or reception area on the licensed premises.

(6) Notwithstanding anything in this section, a licensee selling or supplying liquor under subsection (1) (a) or (1) (b)—

(a) shall not do so—

(i) on Christmas Day or Good Friday; or

(ii) before 12 midday on Anzac Day;

but

(b) may do so between—

(i) 12 midnight on a New Year's Eve which is not a Sunday and 2 a.m. on the following New Year's Day; and

(ii) the end of the continuous period referred to in subsection (1) (b) (i) or the end of the second continuous period referred to in subsection (1) (b) (ii), as the case requires, on a New Year's Eve which is a Sunday and 2 a.m. on the following New Year's Day.

(7) The provisions of section 24 (10) and (11) apply, with such adaptations as may be necessary, to the holder of a limited hotel licence. ”.

**Section 28 amended**

13. Section 28 of the principal Act is amended by deleting “ordinary trading hours or during such other” and substituting the following—

“ such ”.

**Section 29 amended**

14. Section 29 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsections—

“ (1) Subject to this section, a winehouse licence authorizes the licensee to sell and supply wine and brandy on the licensed premises—

(a) on any day (other than a Sunday) between 6 a.m. and 12 midnight; and

(b) on a Sunday during—

(i) one continuous period of; or

(ii) 2 continuous periods together amounting to,

6 hours between 11 a.m and 8 p.m. chosen by him and notified in writing by him to the Director,

for consumption on or off the licensed premises.

(1a) Subject to subsections (1b) and (1c), a licensee selling and supplying wine or brandy under subsection (1) (a) shall—

(a) choose—

(i) the continuous period between 11 a.m. and 7 p.m.; or

(ii) any other continuous period of 8 hours between the times referred to in that subsection;

(b) keep the licensed premises open for that sale and supply during the period chosen under paragraph (a); and

(c) if he chooses a period under paragraph (a) (ii), notify in writing the Director of the period chosen under that paragraph.

(1b) Subsection (1a) does not apply to a day which is a Good Friday, Anzac Day or Christmas Day.

(1c) The Director may, on the application of a licensee, direct that subsection (1a) does not apply in the case of the licensee to a day or days specified in that direction, and such a direction has effect according to its tenor.

(1d) A winehouse licence authorizes the licensee to sell and supply wine and brandy on the licensed premises with or ancillary to a meal supplied by the licensee between—

- (a) 12 midnight on any day (other than a Sunday, Christmas Day or Good Friday) and 12.30 a.m. on the following day, notwithstanding that the following day is a Sunday, Christmas Day, Good Friday or Anzac Day; and
- (b) 12 midday and 10 p.m. on a Sunday or Christmas Day,

if that meal is supplied and taken in good faith in a dining room on the licensed premises, and the liquor so sold and supplied is consumed in a dining room or reception area on the licensed premises.

(1e) Notwithstanding anything in this section, a licensee selling or supplying wine or brandy under subsection (1) (a) or (1) (b)—

- (a) shall not do so—
  - (i) on Christmas Day or Good Friday; or
  - (ii) before 12 midday on Anzac Day;

but

- (b) may do so between—
  - (i) 12 midnight on a New Year's Eve which is not a Sunday and 2 a.m. on the following New Year's Day; and
  - (ii) the end of the continuous period referred to in subsection (1) (b) (i) or the end of the second continuous period referred to in subsection (1) (b) (ii), as the case requires, on a New Year's Eve which is a Sunday and 2 a.m. on the following New Year's Day. ”;

- (b) in subsection (2) by deleting “ordinary trading hours” and substituting the following—
  - “ the period chosen by him under subsection (1a) (a) ”; and
- (c) in subsection (3) by deleting “(2), (3), (5), ”.

### **Section 30 amended**

15. Section 30 of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following subsection—
  - “ (1) Subject to this section, a cabaret licence authorizes the licensee to sell and supply liquor—
    - (a) on the licensed premises for consumption on the licensed premises only; and
    - (b) with or ancillary to entertainment provided by an artist or artists, present and performing in person, between 6 p.m. on any day (other than a Sunday) and 6 a.m. on the following day, and between 8 p.m. and 12 midnight on a Sunday. ”;
- (b) in subsection (1a) by deleting “premises, between the hours during which he sells and supplies liquor under the authority of subsection (1)” and substituting the following—
  - “ licensed premises between the times referred to in subsection (1) ”; and
- (c) by inserting after subsection (1a) the following subsection—
  - “ (1b) Notwithstanding anything in subsection (1), a licensee referred to in subsection (1) shall not sell or supply liquor between—
    - (a) 3 a.m. and 6 p.m. on an Anzac Day which is not a Sunday;
    - (b) 3 a.m. and 8 p.m. on an Anzac Day which is a Sunday; or
    - (c) 3 a.m. and 12 midnight on Good Friday or Christmas Day. ”.

**Section 31 amended**

16. Section 31 of the principal Act is amended—

(a) in subsection (1) by deleting “Subject to subsection (1a), a” and substituting the following—

“ A ”; and

(b) by repealing subsection (1a).

**Section 32 amended**

17. Section 32 of the principal Act is amended—

(a) in paragraph (a) by deleting—

(i) “such of the ordinary trading hours as commence” and substituting the following—

“ the period commencing ”; and

(ii) “end one hour” and substituting the following—

“ ending one hour ”; and

(b) in paragraph (b) by deleting “during hours other than ordinary trading hours” and substituting the following—

“ at any time ”.

**Section 34 amended**

18. Section 34 of the principal Act is amended—

(a) in subsection (1) by deleting paragraph (a) and substituting the following paragraph—

“ (a) subject to subsection (1a), at any time with or ancillary to a meal supplied by the licensee in a dining room on the licensed premises if the liquor so sold or supplied is consumed in that dining room or in a reception area on the licensed premises; ”;

(b) by inserting after subsection (1) the following subsection—

“ (1a) Notwithstanding anything in subsection (1) (a), a licensee selling or supplying liquor under that subsection shall not do so between—

(a) 3 a.m. and 12 midnight on Good Friday; or

(b) 3 a.m. and 12 midday on Anzac Day. ”; and

(c) by repealing subsection (4).

### **Section 35 amended**

**19.** Section 35 of the principal Act is amended by repealing subsections (1) and (1a) and substituting the following subsections—

“ (1) Subject to this section, a club licence authorizes the licensee to sell and supply liquor on the licensed premises—

(a) to a member of the club concerned and to his guests, not exceeding 3 in number, in his company for consumption on the licensed premises—

(i) on any day (other than a Saturday or Sunday) between 6 a.m. and 12 midnight;

(ii) between 6 a.m. on a Saturday and 1 a.m. on the following day; and

(iii) on a Sunday during—

(A) one continuous period of; or

(B) 2 continuous periods together amounting to,

6 hours between 11 a.m. and 8 p.m. chosen by him and notified in writing by him to the Director;

- (b) between the times or during the periods, as the case requires, referred to in paragraph (a), to a member of the club concerned, in sealed containers, for consumption off the licensed premises;
- (c) at any time to a member of the club concerned who is a lodger of the licensed premises; and
- (d) with or ancillary to a meal supplied by the licensee between—
  - (i) 12 midday on any day (other than a Sunday, Good Friday or Christmas Day) and 12.30 a.m. on the following day, notwithstanding that the following day is a Sunday, Christmas Day, Good Friday or Anzac Day; and
  - (ii) 12 midday and 10 p.m. on a Sunday or Christmas Day,

to a member of the club concerned for consumption by him and by those of his guests of whose attendance not less than 4 hours' prior notice has been given to the licensee.

(1a) Notwithstanding anything in subsection (1) (a), a licensee—

- (a) shall not sell and supply liquor under that subsection—
  - (i) on an Anzac Day which is not a Sunday before 12 midday;
  - (ii) on an Anzac Day which is a Sunday between 1 a.m. and 12 midday; or
  - (iii) on Christmas Day or Good Friday;

but

(b) may sell and supply liquor under that subsection between—

(i) the end of the most recent period on a New Year's Eve or on the following New Year's Day, as the case requires, during which that licensee was authorized by that subsection to sell and supply liquor; and

(ii) 2 a.m. on the New Year's Day referred to in subparagraph (i). ”.

### **Section 36 amended**

**20.** Section 36 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsections—

“ (1) Subject to this section, a store licence authorizes the licensee to sell and supply liquor on the licensed premises in sealed containers for consumption off the premises only on any day (other than a Sunday) between 8 a.m. and 10 p.m.

(1a) A licensee selling and supplying liquor under subsection (1) shall—

(a) choose—

(i) the continuous period between 11 a.m. and 7 p.m.; or

(ii) any other continuous period of 8 hours between the times referred to in that subsection;

(b) keep the licensed premises open for that sale and supply during the period chosen under paragraph (a); and

(c) if he chooses a period under paragraph (a) (ii), notify in writing the Director of the period chosen under that paragraph.

(1b) Notwithstanding anything in this section, a licensee selling or supplying liquor under subsection (1) shall not do so—

(a) before 12 midday on Anzac Day; or

(b) on Good Friday or Christmas Day. ”;



(b) in subsection (2) by deleting—

(i) “the hours of 8.30 p.m. and 10 p.m.” and substituting the following—

“ 10 p.m. and 12 midnight ”; and

(ii) “during the hours limited by” and substituting the following—

“ between the times referred to in ”;

and

(c) in subsection (4) by deleting “during the hours limited by” and substituting the following—

“ between the times referred to in ”.

### **Section 36A amended**

**21.** Section 36A of the principal Act is amended—

(a) in subsection (3) by deleting the passage commencing with “between the following hours—” and ending with “may authorize under subsection (4).” and substituting the following—

“ between—

(c) 8.30 a.m. and 10 p.m., or between such other times as are specified in or endorsed on the licence, on any day (other than a Sunday, Christmas Day or Good Friday); and

(d) such times on a Sunday (other than a Christmas Day) as the Director may authorize under subsection (4). ”; and

(b) in subsection (4) by deleting “on a Sunday during” and substituting the following—

“ on a Sunday (other than a Christmas Day) during ”.

**Section 38A amended**

**22.** Section 38A of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following subsections—

“ (1) Subject to this section, a ballroom licence authorizes the licensee to sell and supply liquor on the licensed premises for consumption on the licensed premises, with or ancillary to a ball or dance being conducted on the licensed premises, between—

- (a) 8 p.m. on any day (other than a Sunday) and 3 a.m. on the following day, notwithstanding that the following day is a Sunday, Good Friday, Anzac Day or Christmas Day; and

- (b) 8 p.m. and 12 midnight on a Sunday.

(1a) Notwithstanding anything in subsection (1), a licensee selling or supplying liquor under subsection (1) shall not do so between—

- (a) 3 a.m. and 8 p.m. on Anzac Day; or

- (b) 3 a.m. and 12 midnight on Good Friday or Christmas Day. ”;

and

- (b) in subsection (2) by deleting “between the hours during which he sells and supplies liquor under the authority of subsection (1)” and substituting the following—

“ during the periods within which he is authorized by subsection (1) to sell and supply liquor ”.

**Section 38B repealed and substituted**

**23.** Section 38B of the principal Act is repealed and the following section is substituted—

Reception lodge licence

“ 38B. (1) Subject to subsection (2), a reception lodge licence authorizes the licensee to sell and supply liquor on the licensed premises, for consumption on the licensed premises, with or

ancillary to the provision by the licensee of substantial food, to persons having a common interest of a social, political, literary, sporting or like nature, at any time.

(2) Notwithstanding anything in subsection (1), a licensee selling and supplying liquor under that subsection shall not do so between—

(a) 3 a.m. and 12 midday on Anzac Day; or

(b) 3 a.m. and 12 midnight on Good Friday.

(3) Section 25 applies, with such adaptations as may be necessary, to the holder of a reception lodge licence, but it is a condition of a caterer's permit issued to such a holder that he will only sell and supply liquor under that caterer's permit in conjunction with substantial food. ”.

### **Section 39 amended**

**24.** Section 39 of the principal Act is amended by repealing subsection (1) and substituting the following subsections—

“ (1) Subject to this section, an Australian wine licence authorizes the licensee to sell and supply wine, made in a State from fruit grown in the Commonwealth, on the licensed premises between 10 a.m. and 10 p.m. on any day (other than a Sunday).

(1a) Notwithstanding anything in subsection (1), a licensee selling or supplying liquor under that subsection shall not do so—

(a) before 12 midday on Anzac Day; or

(b) on Good Friday or Christmas Day. ”.

### **Section 40A inserted**

**25.** The principal Act is amended by inserting after section 40 the following section—

Changes in trading hours

“ 40A. The licensee may from time to time alter—

(a) any continuous period, chosen by him under section 24 (2) (a), 26 (1a) (a), 27 (2) (a), 29 (1a) (a) or 36 (1a) (a);

or

- (b) any continuous period or periods, chosen by him under section 24 (1) (b), 26 (1) (b), 27 (1) (b), 29 (1) (b) or 35 (1) (a) (iii),

and notified to the Director, by choosing another continuous period or periods under the relevant section and notifying the Director in writing of that alteration. ”.

### **Section 43 amended**

**26.** Section 43 of the principal Act is amended—

- (a) in subsection (1) (a) by deleting “subject to subsection (1a),”;  
and  
(b) by repealing subsection (1a).

### **Section 45 amended**

**27.** Section 45 of the principal Act is amended in subsection (1) by deleting paragraph (b) and substituting the following paragraph—

- “ (b) bring liquor into an unlicensed restaurant between—  
(i) 3 a.m. and 12 midnight on Good Friday; or  
(ii) 3 a.m. and 12 midday on Anzac Day. ”.

### **Section 46 amended**

**28.** Section 46 of the principal Act is amended in subsection (1) by deleting paragraph (c) and substituting the following paragraph—

- “ (c) in an unlicensed restaurant between—  
(i) 3 a.m. and 12 midnight on Good Friday; or  
(ii) 3 a.m. and 12 midday on Anzac Day. ”.

### **Section 58 amended**

**29.** Section 58 of the principal Act is amended by repealing subsection (4).

**Sections 58A and 58B repealed**

**30.** Sections 58A and 58B of the principal Act are repealed.

**Section 73B repealed**

**31.** Section 73B of the principal Act is repealed.

**Section 74 amended**

**32.** Section 74 of the principal Act is amended by repealing subsections (1) and (1a) and substituting the following subsection—

- “ (1) The Director may grant any permit under this Act if—
- (a) no objection is made to the granting of the permit; or
  - (b) the validity of any objection made to the granting of the permit is not established to the satisfaction of the Director. ”.

**Section 79 amended**

**33.** Section 79 of the principal Act is amended by repealing subsection (3).

**Section 120 amended**

**34.** Section 120 of the principal Act is amended in subsection (1) by deleting—

- (a) the semi-colon at the end of paragraph (c) and substituting a full stop; and
- (b) paragraph (d).

**Section 126 amended**

**35.** Section 126 of the principal Act is amended by repealing subsection (2a) and substituting the following subsection—

“ (2a) It is a defence to a complaint of an offence against subsection (1) (a) to show that the liquor concerned was sold or supplied by a licensee who reasonably believed that the person to whom that liquor was sold or supplied was to be supplied by that licensee with, and would take, a meal. ”.

**Section 135 amended**

**36.** Section 135 of the principal Act is amended in subsection (4) by deleting “to the Public Account” and substituting the following—

“ into the Consolidated Revenue Fund ”.

**Section 169 inserted**

**37.** Part IX of the principal Act is amended by inserting before section 170 the following section—

Complaints about offensive, etc., activity, noise or behaviour related to licensed premises

“ 169. (1) If—

(a) any activity on, or noise emanating from; or

(b) any behaviour of persons making their way from or to,

any licensed premises is unduly offensive, annoying, disturbing or inconvenient to any person who resides, works or worships in the vicinity of the licensed premises, a complaint may be lodged with the Director under subsection (2).

(2) A complaint concerning any activity, noise or behaviour referred to in subsection (1) may be lodged with the Director by—

(a) a police officer;

(b) the council of the municipality of the district in which the licensed premises concerned are situated; or

(c) any person claiming to be adversely affected by the subject matter of that complaint.

(3) A complaint shall not be lodged under subsection (2) (c) unless—

- (a) the complainant is authorized to make the complaint by not less than 10 persons who reside, work or worship in the vicinity of the licensed premises concerned; or
- (b) the Director is satisfied that the nature or gravity of the complaint is such that it should be so lodged notwithstanding that it is not authorized to be made under paragraph (a).

(4) When a complaint is lodged with the Director under subsection (2), the Director may, after having given the complainant, the licensee concerned and any other person whom the Director thinks fit to hear an opportunity to be heard in accordance with sections 22C and 22D—

- (a) if the Director considers that to do so will resolve the subject matter of the complaint, make an order against that licensee prohibiting that licensee from providing entertainment supplied by one or more artists, present and performing in person, on the licensed premises during such period as is specified in that order; or
- (b) dismiss the complaint.

(5) An order made under subsection (4) (a) may be so made in respect of—

- (a) all entertainment of the kind referred to in that subsection or such entertainment of that kind;
- (b) the entire period specified in that order or such hours on such days within that period; and
- (c) the whole of the licensed premises concerned or such part thereof,

as is specified in that order and, notwithstanding anything in this Act, that order has effect as if it were a condition to which the licence held by the licensee against whom that order is made is subject.

(6) A person aggrieved by a decision made by the Director under subsection (4) may apply to the Court for a review of that decision and section 22F (2), (3) and (4) applies to such an application.

(7) In subsection (2) (b)—

“council”, “municipality” and “district” have the respective meanings assigned to them by the *Local Government Act 1960*. ”.

### **Transitional provisions in respect of trading hours**

**38.** (1) A person who was, immediately before the commencement of this Act, the holder of an hotel licence, a tavern licence, a limited hotel licence, a winehouse licence or a store licence shall be deemed for the purposes of section 24 (2) (a), 26 (1a) (a), 27 (2) (a), 29 (1a) (a) or 36 (1a) (a), as the case requires, of the principal Act to have chosen the continuous period between 11 a.m. and 7 p.m. until he chooses any other continuous period of 8 hours under that section and notifies in writing the Director of the period chosen.

(2) A person who was, immediately before the commencement of this Act, the holder of an hotel licence, a tavern licence, a limited hotel licence, a winehouse licence or a club licence and who had elected to sell and supply liquor on a Sunday during—

(a) one continuous period of; or

(b) 2 continuous periods together amounting to,

6 hours between 11 a.m. and 8 p.m., and notified the Director to that effect, under an order made by the Minister under section 176A set out in section 6 of the *Acts Amendment (America's Cup Defence and Special Events) Act 1985*, shall be deemed for the purposes of section 24 (1) (b), 26 (1) (b), 27 (1) (b), 29 (1) (b) or 35 (1) (a) (iii), as the case requires, to have chosen that continuous period or those continuous periods and notified the Director to that effect in writing.

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