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LEGISLATIVE ASSEMBLY OF THE
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CLERK: *[Signature]*

ATTORNEY-GENERAL AND MINISTER FOR JUSTICE

LIQUOR LEGISLATION AMENDMENT BILL 2017

SERIAL NO. 24

EXPLANATORY STATEMENT

GENERAL OUTLINE

This Bill amends the *Liquor Act* to enshrine in that Act the condition of store licences that is currently contained in regulation 5BA of the *Liquor Regulations*. That particular condition in Liquor Regulation 5BA relates to the floor size of takeaway liquor licences.

NOTES ON CLAUSES

Part 1 Preliminary Matters

Clause 1. Short title

This is the formal clause, which provides for the citation of the Bill.

The Bill when passed may be cited as the *Liquor Legislation Amendment Act 2017*.

Clause 2. Act amended

This clause provides for this Act to make amendments to the *Liquor Act*.

Clause 3. Part III, Division 2AB inserted

Clause 4 inserts new Part III, Division 2AB before Part III, Division 2A providing for a new condition applying to certain classes of liquor licences.

Division 2AB – Condition applying to certain licences

Section 33AB Maximum floor area for store licence

New section 33AB(1) provides that the area in which the public can browse for and purchase liquor is limited to a maximum of 400m².

New section 33AB(2) clarifies that the area mentioned in subsection (1) includes refrigerated display shelving but does not include driveways or car parking areas, or cool rooms or storage areas to which the public does not have access.

New section 33AB(3) provides that the condition imposed by subsection (1) cannot be varied by the Director-General upon application by the licensee under section 32A of the *Liquor Act* or on the Director-General's own initiative under section 33 of the *Liquor Act*.

This means that a store licensee, who currently is licensed for an area of 400m² or less, cannot be granted a variation to their licence conditions that would permit that licensee to expand the licensed area to greater than 400m².

New section 33AB(4) defines the term **store licence** by reference to section 32A(10) of the *Liquor Act*.

Clause 4. Part XXIII inserted

Clause 5 inserts a new Part XXIII after section 165 providing for transitional provisions for the Bill.

Part XXIII – Transitional matters for Liquor Legislation Amendment Act 2017

Section 166 Condition applies to pre-existing licences

New section 166 provides that new section 33AB applies to all store licences, including licences granted prior to the commencement of the *Liquor Legislation Amendment Act 2017*. The term **store licence** is defined by reference to section 32A(10) of the *Liquor Act*.

Clause 5. Regulations amended

This clause provides for this Act to make amendments to the *Liquor Regulations*.

Clause 6. Regulation 5BA repealed

Clause 4 repeals Liquor Regulation 5BA. As new section 33AB to be inserted into the *Liquor Act* reflects the licence conditions currently contained in Liquor Regulation 5BA, this regulation will no longer be required.

Clause 7. Expiry of Act

This is a standard clause which provides that the *Liquor Legislation Amendment Act 2017* expires the day after it commences. As this is an

amending Act, there is no need to retain the Act on the statute book, once all the amendments have been effected.