

LIQUOR LICENSING AMENDMENT (PETROL STATIONS AND LODGERS' REGISTERS) BILL 2000

EXPLANATORY MEMORANDUM

[Amended to reflect Legislative Council Committee amendment]

Overview of the Bill

The purpose of the *Liquor Licensing Amendment (Petrol Stations and Lodgers' Registers) Bill 2000* is to —

- preclude the licensing authority from granting liquor licences that authorise the sale of packaged liquor from petrol stations in most areas;
- provide for the cancellation of liquor licences that authorise the sale of packaged liquor if a petrol station is established on the same premises; and
- reduce from six years to two years the time a hotel licensee is required to retain a register of lodgers.

Clause notes

Clause 1: Short title and citation.

Clause 2: This clause sets out the commencement provisions and specifies that the Act will come into operation on a day fixed by proclamation.

Clause 3: Cites the Act amended as the *Liquor Licensing Act 1988* ('the principal Act').

Clause 4: This clause defines the expression "townsite" as meaning a townsite under the *Land Administration Act 1997*.

Clause 5: This clause inserts section 36A into the principal Act to provide for petrol stations in some areas not to be granted licences.

Subclause (1) defines, for the purposes of section 36A the expressions —

"country townsite" as meaning a townsite that is outside of the metropolitan area;

"packaged liquor outlet" as meaning licensed premises from which packaged liquor is sold but does not include premises in respect of which a club licence is in force;

"petrol station" as meaning a business that involves the retail sale of fuel for road vehicles to people travelling in them, whether or not other goods or services are also sold or supplied to those people.

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Subclause (2) provides that the licensing authority shall not approve the grant or removal of a licence that would authorize the sale of packaged liquor from any premises if there is a petrol station on the premises and the premises are —

- (a) in the metropolitan area; or
- (b) in, or within a prescribed distance outside, a country townsite in which there is a packaged liquor outlet.

Subclause (3) provides that subclause (2) does not apply in the case of an application for the removal of a licence that is in respect of premises on which there is a petrol station to other premises situated not more than 500 metres from the premises from which the licence is sought to be removed.

Note: subclause 5(3) above inserted following Legislative Council Committee amendment

Clause 6: This clause inserts section 65A into the principal Act to provide for petrol stations not to be established on premises from which packaged liquor is sold.

Subclause (1) defines, for the purposes of section 65A the expressions —

“applicable day” as meaning the day on which the *Liquor Licensing Amendment Act 2000* comes into operation;

“country townsite” as having the same meaning as it has in section 36A [see clause 5]; and

“petrol station” is assigned the same definition as in section 36A [see clause 5].

Subclause (2) prevents a petrol station from being established on any premises, licensed to sell packaged liquor, that is located in the metropolitan area or in a country townsite.

Subclause (3) provides that subsection (2) does not apply to premises that are in a country townsite if the Director, on an application by the licensee of the premises, so orders. This is intended to allow some relief for isolated country towns where, for instance, there is only one packaged liquor outlet and one petrol station, and due to economic circumstances, both services need to be established on one site.

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Subsection (4) provides that in the case of a breach of the condition imposed by subclause (2), the licensing authority must cancel the licence in respect of the premises, unless it is satisfied that the construction of the petrol station commenced before the applicable day, in which case the licensing authority may exercise any of the powers in section 96.

Clause 7:

Amends the time period required for a hotel licensee to keep a register of lodgers from six years after the last date appearing in the register, to two years as the current requirement is impractical and serves little purpose.