

LIQUOR LICENSING AMENDMENT BILL 2006

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(Brought in by the Honourable Jim Wilkinson)

A BILL FOR

An Act to amend the *Liquor Licensing Act 1990*

BE IT ENACTED by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Liquor Licensing Amendment Act 2006*.

2. Commencement

This Act commences on the day on which it receives the Royal Assent.

3. Principal Act

In this Act, the *Liquor Licensing Act 1990** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

(1) Section 3(1) of the Principal Act is amended by inserting before the definition of “associate” the following definitions:

“**adjacent premises**”, means premises situated within 200 metres of the boundary of a school or other facility where young people regularly assemble or congregate;

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“**Agency**”, has the same meaning as in the *State Service Act 2000*;

(2) Section 3(1) of the Principal Act is further amended by inserting after the definition of “sell” the following definitions:

“**service station**” means premises where petroleum products are sold by retail;

“**shopping centre**” means a group of shops and associated facilities which are located within a single area, whether in a building or group of buildings;

5. Section 24A amended (Requirements for licence)

(1) Section 24A of the Principal Act is amended by inserting after “which” in subsection (1) “the applicant can show and”.

(2) Section 24A of the Principal Act is further amended by inserting after subsection (3) the following subsections:

(4) For the purposes of determining the best interests of the community, there are to be 2 categories of liquor licences as follows:

Category A – General liquor licences, on-licences (excluding on-licences for restaurants) and off-licences

Category B – All other liquor licences.

(5) A Category A liquor licence is not to be granted in respect of a shopping centre, a service station or any adjacent premises.

(6) An application for a Category A liquor licence is to be accompanied by a social impact statement which –

(a) complies with any requirements of the Commissioner; and

(b) is intended to form part of the proposed liquor licence.

(7) An application for a Category A liquor licence is to state that a copy of the social impact assessment has been provided to all persons who may be affected by the proposed licence and, in particular to –

- (a) the general manager of the relevant council; and
- (b) the Commissioner of Police;
- (c) Tasmanian Chamber of Commerce and Industry Ltd; and
- (d) the authority known as Tourism Tasmania; and
- (e) the Alcohol, Tobacco and other Drugs Council of Tasmania; and
- (f) any Agency having responsibility for drugs and alcohol; and
- (g) any school situated within 2 kilometres of the premises proposed to be licensed; and
- (h) any other person who requests a copy of the assessment.

(8) If a liquor licence is granted, the social impact assessment is to form part of the licence.

(9) If any activities conducted pursuant to the liquor licence are at any materially inconsistent with the social impact assessment, the Commissioner may cancel or suspend the licence.

6. Section 25A amended (Restriction on grant of licence in connection with supermarket)

(1) Section 25A of the Principal Act is amended by omitting “The Board” and by substituting “(1) The Board”.

(2) Section 25A of the Principal Act is further amended by inserting after subsection (1) the following subsections:

(2) A liquor licence ceases to have effect if liquor is sold pursuant to the licence in connection with the activities of a supermarket.

(3) For the purposes of this section, the Commissioner is to take into account the following matters:

(a) the identity of the proprietor or proposed proprietor of the supermarket;

(b) the identity of the licensee or proposed licensee and his or her association with the proprietor or proposed proprietor of the supermarket;

(c) the economic relationship or proposed economic relationship between the business of the supermarket and the business carried out or proposed to be carried out under the liquor licence;

(d) the way in which the business of the supermarket and the business carried out or proposed to be carried out under the liquor licence is advertised or proposed to be advertised;

(e) the degree of association between the conduct of each such business.