



HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Wednesday, 25 August 1999

SALE OF LIQUOR AMENDMENT BILL (NO. 2)

*Proposed Amendments*

Hon TONY RYALL, in Committee, to move the following amendments:

*Clause 1:* To insert, after *subclause (4)* (after line 6 on page 3), the following subclause:

(5) **Parts 3, 4, and 5** come into force on the day after the date on which this Act receives the Royal assent.

*New Parts 3, 4, and 5 inserted:* To insert, after *clause 114* (after line 32 on page 43), the following Parts:

PART 3

CONDITIONS IN CERTAIN LICENCES

**115. Certain off-licences to be treated as permitting sale or supply of liquor during early hours of Sunday morning—**(1) Every off-licence granted before the commencement of this Part that contains a condition or statement that appears or is intended to permit the sale or delivery of liquor during the period from midnight on a Saturday to 3 am on a Sunday or during a part of that period must be treated as permitting and has always permitted the sale or delivery of liquor during that period or during that part of that period, as the case may be.

(2) **Subsection (1)** does not apply in respect of any Easter Sunday or Anzac Day (where that day falls on a Sunday) occurring after this Part comes into force.

PART 4

AMENDMENT TO PRIVACY ACT 1993

**116. Second Schedule of Privacy Act 1993 amended—**The Second Schedule of the Privacy Act 1993 is amended by inserting, in Part 1, after the item relating to the Motor Vehicle Securities Act 1989, the following item:

“Sale of Liquor Act 1989

sections 220 and 221”.

## PART 5

## AMENDMENT TO SUMMARY OFFENCES ACT 1981

**117. Summary Offences Act 1981 amended**—The Summary Offences Act 1981 is amended by inserting, after section 38, the following heading and sections:

*Infringement Offences*

**“38A. Infringement offences**—In **section 38B and 38E**,—

“‘Infringement fee’, in relation to an infringement offence, means \$200:

“‘Infringement offence’ means an offence under section 38 (3).

**“38B. Commission of infringement offence**—(1) Where any person is alleged to have committed an infringement offence, that person may either—

“(a) Be proceeded against for the alleged offence under the Summary Proceedings Act 1957; or

“(b) Be served with an infringement notice under **section 38c**.

“(2) No person arrested under section 39 may be served with an infringement notice under **section 38c**.

**“38C. Infringement notices**—(1) Where a member of the Police observes a person committing an infringement offence, or has reasonable cause to believe such an offence is being or has been committed by that person, an infringement notice in respect of that offence may be served on that person.

“(2) Any member of the Police (not necessarily the member who issued the notice) may deliver the infringement notice (or a copy of it) to the person alleged to have committed an infringement offence personally or by post addressed to that person’s last known place of residence; and, in that case, for the purposes of the Summary Proceedings Act 1957, it (or the copy) is to be treated as having been served on that person when it was posted.

“(3) Every infringement notice must be in the prescribed form and must contain the following particulars:

“(a) Such details of the alleged infringement offence as are sufficient fairly to inform a person of the time, place, and nature of the alleged offence; and

“(b) The amount of the infringement fee; and

“(c) The address of the place at which the infringement fee may be paid; and

“(d) The time within which the infringement fee must be paid; and

“(e) A summary of the provisions of section 21 (10) of the Summary Proceedings Act 1957; and

“(f) A statement that the person served with the notice has a right to request a hearing; and

“(g) A statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and

“(h) Such other particulars as are prescribed.

“(4) Where an infringement notice has been issued under this section, proceedings in respect of the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957; and, in that case, the provisions of that section apply with all necessary modifications.

“38D. **Payment of infringement fees**—All infringement fees paid in respect of infringement offences must be paid into the Crown Bank Account.

“38E. **Regulations**—The Governor-General may from time to time, by Order in Council, make regulations prescribing the form of infringement notices, and any other particulars to be contained in infringement notices.”

#### EXPLANATORY NOTE

This Supplementary Order Paper inserts *new Parts 3, 4, and 5* into the Bill.

*New Part 3* inserts a *new clause 115*. This clause relates to conditions in off-licences, granted before the commencement of the *new Part 3*, which contain conditions permitting the sale or delivery of liquor during the period from midnight on a Saturday to 3 am on a Sunday. The clause validates those conditions, but not in relation to an Easter Sunday or Anzac Day (where that day falls on a Sunday) occurring after the *new Part 3* comes into force.

*New Part 4* inserts a *new clause 116*. This clause amends the Second Schedule of the Privacy Act 1993 to include in the list of public register provisions reference to sections 220 and 221 of the principal Act. Those sections require the Secretaries of the Liquor Licensing Authority and of each District Licensing Agency to keep registers relating to licences and managers' certificates. Those registers may be inspected by any member of the public.

*New Part 5* inserts a *new clause 117*. This clause inserts new sections into the Summary Offences Act 1981 to provide an infringement notice regime for offences under section 38(3) of that Act. Those offences relate to persons under the minimum drinking age drinking liquor in a public place.