

## HOUSE OF REPRESENTATIVES

## Supplementary Order Paper

Thursday, 1 June 1989

## SALE OF LIQUOR BILL

*Proposed Amendment*

CLIVE MATTHEWSON, in Committee, to move the following amendment:

*Proposed clause 122A:* To insert on page 96, under the heading "Minors", the following clause:

**122A. Secretary for Justice to provide or arrange provision of identity cards**—(1) As soon as practicable after the commencement of this Act, the Secretary for Justice shall establish and maintain, or arrange for any other person under contract with the Secretary to establish and maintain, a system whereby any person may, on payment of the prescribed fee, obtain a document (in this section called an identity card) bearing a photograph of that person, the full name of that person, that person's signature, and that person's date of birth.

(2) When the Secretary for Justice is satisfied that the system has been established, the Secretary shall publish a notice to that effect in the *Gazette*, specifying a date on and from which identity cards will be available.

(3) On and from the date so specified, the following provisions shall apply:

- (a) The licensee or manager of any licensed premises, or any employee of the licensee, who suspects that any person on the premises may, because of his or her age, be on the premises unlawfully or be a person to whom liquor may not be sold or supplied pursuant to the licence, may require that person to produce an identity card:
- (b) If that person refuses or fails to produce an identity card, or produces an identity card that does not appear to relate to that person, the licensee, manager, or employee may order that person to leave the premises or (as the case may require) refuse to sell or supply liquor to that person:
- (c) Without limiting anything in subsection (4) of section 123 of this Act, it shall be a defence to a charge under subsection (1) or subsection (2) of that section if the defendant proves that the person who sold or supplied the liquor did so only after being satisfied, on the production of an identity card, that the person to whom he or she sold or supplied it was entitled to be sold or supplied with it:
- (d) Without limiting anything in subsection (2) of section 128 of this Act, it shall be a defence to a charge under subsection (1) of that section if the defendant proves

that he or she allowed the person to whom the charge relates to enter or remain in the restricted area or supervised area only after being satisfied, on the production of an identity card, that that person was entitled to be in the restricted area or supervised area:

- (e) Without limiting anything in **section 136** of this Act, every person commits an offence and is liable to a fine not exceeding \$1,000 who, on licensed premises or otherwise for the purposes of this Act, produces to the licensee or manager, or to an employee of the licensee, an identity card knowing that it does not relate to him or her.

---

EXPLANATORY NOTE

The purpose of this amendment is to provide for a voluntary system of identity cards to assist in the enforcement of the law relating to under-age drinking.

An identity card could be obtained from the Department of Justice by any person on payment of the prescribed fee. If a licensee, manager, or bar-staff member suspects that a customer is under the appropriate age, he or she can require the production of an identify card. If such a card is produced, the licensee, manager, or employee may rely on it. If no card is produced, the customer may be ordered out or refused liquor.

The amendment to *clause 184* makes provision for any necessary regulations for the new scheme.

*Clause 184*: To insert on page 132, after paragraph (e), the following paragraph:  
(ea) Prescribing the procedure to be followed, and the information, evidence, and other matters to be supplied, by persons applying for identity cards under **section 122A** of this Act:

---