

TERRITORY OF COCOS (KEELING) ISLANDS

Liquor Licensing Act 1988 (W. A.) (C. K. I.) (Amendment) Ordinance 1993

No. 7 of 1993

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance under the *Cocos (Keeling) Islands Act 1955*.

Dated 2 September 1993.

P. BENNETT
Administrator

By His Excellency's Command,

WARREN SNOWDON
Parliamentary Secretary to the Minister for the
Environment, Sport and Territories for the Minister
for the Environment, Sport and Territories

An Ordinance to amend the *Liquor Licensing Act 1988* (W. A.) (C. K. I.)

1. Short title

1.1 This Ordinance may be cited as the Liquor Licensing Act 1988 (W. A.) (C. K. I.) (Amendment) Ordinance 1993.¹

[NOTE: This Ordinance commences on gazettal: see s. 12 (2) of the *Cocos (Keeling) Islands Act 1955*.]

2. Amendment

2.1 The *Liquor Licensing Act 1988 (W. A.) (C. K. I.)* is amended as set out in this Ordinance.

3. Section 4 (Interpretation of “amount paid or payable for liquor”, and point of sale)

3.1 Subparagraph 4 (1) (b) (v):

After “where”, insert “, at any time in the period that begins on the commencement of the *Liquor Licensing Act 1988 (W.A.) (C.K.I.) (Amendment) Ordinance 1993* and ends on 30 June 1994, the Director decides that the amount is not to be included or where the charges are”.

4. Section 30 (Division of responsibilities)

4.1 After paragraph 30 (4) (a), insert:

“(aa) subject to any later determination of the Court under paragraph 30 (1) (a), an application for a Category A licence at any time in the period that begins on the commencement of the *Liquor Licensing Act 1988 (W.A.) (C.K.I.) (Amendment) Ordinance 1993* and ends on 30 June 1994, whether or not any objection is lodged or taken;”.

5. Section 37—(Requirements relating to licences and permits, generally)

5.1 Section 37 (5):

Omit all the words before paragraph (a), substitute:

“(5) If the Director so requires, every licence, other than a club restricted licence or an occasional licence, is subject to the condition that the licensee occupies, and retains an exclusive right to occupy, the licensed premises, and:”.

6. Section 41—(Hotel licences)

6.1 Add at the end:

“(8) A person engaging in the supply of liquor in a manner provided for by this section immediately before the date of commencement of the *Liquor Licensing Act 1988 (W.A.) (C.K.I.) (Amendment) Ordinance 1993* and who continues to do so after that date, is taken to be the licensee of a hotel licence:

- (a) until the end of 2 months after that date; or
- (b) if, during that period the person applies for a hotel licence in relation to the licensed premises, until:
 - (i) the application is determined by the Director; or
 - (ii) if the application is to be determined, or later determined, by the Court or the Registrar—that determination.”.

7. Section 42—(Cabaret licences)

7.1 Add at the end:

“(4) A person engaging in the supply of liquor in a manner provided for by this section immediately before the date of commencement of the *Liquor Licensing Act 1988 (W.A.) (C.K.I.) (Amendment) Ordinance 1993* and who continues to do so after that date, is taken to be the licensee of a cabaret licence:

- (a) until the end of 2 months after that date; or
- (b) if, during that period the person applies for a cabaret licence in relation to the licensed premises, until:
 - (i) the application is determined by the Director; or
 - (ii) if the application is to be determined, or later determined, by the Court or the Registrar—that determination.”.

8. Section 44—(Casino liquor licences)

8.1 Add at the end:

“(4) A person engaging in the supply of liquor in a manner provided for by this section immediately before the date of commencement of the *Liquor Licensing Act 1988 (W.A.) (C.K.I.) (Amendment) Ordinance 1993* and who continues to do so after that date, is taken to be the licensee of a casino liquor licence:

- (a) until the end of 2 months after that date; or
- (b) if, during that period the person applies for a casino liquor licence in relation to the licensed premises, until:
 - (i) the application is determined by the Director; or
 - (ii) if the application is to be determined, or later determined, by the Court or the Registrar—that determination.”.

9. Section 46—(Special facility licences)

9.1 After subsection (6), insert:

“(6A) A person engaging in the supply of liquor in a manner provided for by this section immediately before the date of commencement of the *Liquor Licensing Act 1988 (W.A.) (C.K.I.) (Amendment) Ordinance 1993* and who continues to do so after that date, is taken to be the licensee of a special facility licence:

- (a) until the end of 2 months after that date; or
- (b) if, during that period the person applies for a special facility licence in relation to the licensed premises, until:
 - (i) the application is determined by the Director; or
 - (ii) if the application is to be determined, or later determined, by the Court or the Registrar—that determination.”.

10. Section 47—(Liquor store licences)

10.1 Add at the end:

“(3) A person engaging in the supply of liquor in a manner provided for by this section immediately before the date of commencement of the *Liquor Licensing Act 1988 (W.A.) (C.K.I.) (Amendment) Ordinance 1993* and who continues to do so after that date, is taken to be the licensee of a liquor store licence:

- (a) until the end of 2 months after that date; or
- (b) if, during that period the person applies for a liquor store licence in relation to the licensed premises, until:
 - (i) the application is determined by the Director; or
 - (ii) if the application is to be determined, or later determined, by the Court or the Registrar—that determination.”.

11. Section 48—(Club or club restricted licences)

11.1 Add at the end:

“(10) A person engaging in the supply of liquor in a manner provided for by this section immediately before the date of commencement of the *Liquor Licensing Act 1988 (W.A.) (C.K.I.) (Amendment) Ordinance 1993* and who continues to do so after that date, is taken to be the licensee of a club or club restricted licence:

- (a) until the end of 2 months after that date; or
- (b) if, during that period the person applies for a club or club restricted licence in relation to the licensed premises, until:
 - (i) the application is determined by the Director; or
 - (ii) if the application is to be determined, or later determined, by the Court or the Registrar—that determination.”.

12. Section 50—(Restaurant licences)

12.1 Add at the end:

“(4) At any time in the period that begins on the commencement of the *Liquor Licensing Act 1988 (W.A.) (C.K.I.) (Amendment) Ordinance 1993* and ends on 30 June 1994, the Director may authorise in writing the licensee of a restaurant licence, during permitted hours, to sell liquor on the premises for consumption off the premises ancillary to a meal supplied by the licensee on the premises for consumption off the premises by the purchaser of the liquor.

“(5) A person engaging in the supply of liquor in a manner provided for by this section immediately before the date of commencement of the *Liquor Licensing Act 1988 (W.A.) (C.K.I.) (Amendment) Ordinance 1993* and who continues to do so after that date, is taken to be the licensee of a restaurant licence:

- (a) until the end of 2 months after that date; or
- (b) if, during that period the person applies for a restaurant licence in relation to the licensed premises, until:

- (i) the application is determined by the Director; or
- (ii) if the application is to be determined, or later determined, by the Court or the Registrar—that determination.”.

13. Section 55 (Producer’s licences)

13.1 Add at the end:

“(4) A person engaging in the supply of liquor in a manner provided for by this section immediately before the date of commencement of the *Liquor Licensing Act 1988 (W.A.) (C.K.I.) (Amendment) Ordinance 1993* and who continues to do so after that date, is taken to be the licensee of a producer’s licence:

- (a) until the end of 2 months after that date; or
- (b) if, during that period the person applies for a producer's licence in relation to the licensed premises, until:
 - (i) the application is determined by the Director; or
 - (ii) if the application is to be determined, or later determined, by the Court or the Registrar—that determination.”.

14. Section 58—(Wholesaler's licences)

14.1 Add at the end:

“(5) A person engaging in the supply of liquor in a manner provided for by this section immediately before the date of commencement of the *Liquor Licensing Act 1988 (W.A.) (C.K.I.) (Amendment) Ordinance 1993* and who continues to do so after that date, is taken to be the licensee of a wholesaler's licence:

- (a) until the end of 2 months after that date; or
- (b) if, during that period the person applies for a wholesaler's licence in relation to the licensed premises, until:
 - (i) the application is determined by the Director; or
 - (ii) if the application is to be determined, or later determined, by the Court or the Registrar—that determination.”.

15. Section 63—(Restriction on power to vary terms fixed or conditions imposed by the Act)

15.1 Add at the end:

“(2) At any time in the period that begins on the commencement of the *Liquor Licensing Act 1988 (W.A.) (C.K.I.) (Amendment) Ordinance 1993* and ends on 30 June 1994, the Director may vary or cancel a term of a licence that is imposed by this Act:

- (a) on his or her own initiative; or

(b) on the application of a licensee;
if the Director believes that the variation or cancellation would be in the public interest.”.

16. Section 100—(Supervision and management)

16.1 Subsection 100 (6):

Omit “shall, within 2 working days after the appointment, apply to the Director”, substitute “must apply to the Director:

- (a) if the appointment is made before 1 July 1994—within 14 working days after the appointment; or
- (b) if the appointment is made on or after that date—within 2 working days after the appointment;”.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 9 September 1993.