

**Liquor Control Reform Amendment (Party Buses)  
Act 2009  
No. 88 of 2009**

**TABLE OF PROVISIONS**

<i>Section</i>		<i>Page</i>
1	Purpose	1
2	Commencement	1
3	Principal Act	2
4	Definitions	2
5	BYO permit	2
6	Offences by licensee and permittee	3
7	New section 113A inserted	3
	113A Consumption of liquor on party buses	3
8	Infringement penalties	6
9	Repeal of amendment after trial period	6
10	Repeal of amending Act	6
<hr/> <hr/>		
<b>ENDNOTES</b>		<b>7</b>



Victoria

# **Liquor Control Reform Amendment (Party Buses) Act 2009<sup>†</sup>**

**No. 88 of 2009**

[Assented to 15 December 2009]

**The Parliament of Victoria enacts:**

## **1 Purpose**

The purpose of this Act is to amend the **Liquor Control Reform Act 1998** in relation to the supply and consumption of liquor on party buses.

## **2 Commencement**

- (1) Sections 1 and 5 and this section come into operation on the day after the day on which this Act receives the Royal Assent.

- 
- (2) Section 9 comes into operation on the day on which section 11 of the **Infringements and Other Acts Amendment Act 2008** comes into operation.
  - (3) Subject to subsection (4), the remaining provisions of this Act come into operation on a day to be proclaimed.
  - (4) If a provision referred to in subsection (3) does not come into operation before 1 November 2010, it comes into operation on that day.

### 3 Principal Act

In this Act, the **Liquor Control Reform Act 1998** is called the Principal Act.

See:  
Act No.  
94/1998.  
Reprint No. 4  
as at  
22 May 2008  
and  
amending  
Act Nos  
72/2007,  
4/2008, 9/2008,  
12/2008,  
21/2008,  
2/2009, 8/2009  
and 59/2009.  
LawToday:  
www.  
legislation.  
vic.gov.au

### 4 Definitions

In section 3(1) of the Principal Act **insert** the following definition—

*"party bus* has the meaning set out in section 113A;"

### 5 BYO permit

In section 15(2)(b) of the Principal Act after "club" **insert** "or a party bus".

---

**6 Offences by licensee and permittee**

After section 108(5) of the Principal Act **insert—**

- "(6) Subsection (4)(b) does not apply to a licensee or permittee if the licensed premises are a party bus."

**7 New section 113A inserted**

After section 113 of the Principal Act **insert—**

**"113A Consumption of liquor on party buses**

- (1) A person who is the operator of a party bus must not permit or allow any liquor to be consumed on the party bus in the prescribed circumstances unless a licence or a BYO permit is in force in respect of the party bus.

Penalty: 50 penalty units.

- (2) It is a defence to a prosecution for an offence under subsection (1) for the accused to prove that—

- (a) the accused did not knowingly permit or allow the consumption of liquor on the party bus; and
- (b) the accused had taken reasonable steps to ensure the liquor was not consumed on the party bus.

- (3) For the purposes of subsection (1) the prescribed circumstances are that the party bus—

- (a) is operating on or after 8 p.m. on a particular day and before 5 a.m. on the following day; and

- 
- (b) is operating—
- (i) in a designated area; or
  - (ii) for the purpose of carrying passengers travelling to or from or visiting a designated area.
- (4) In this section—

*Australian Design Rules* means the Australian Design Rules for Motor Vehicles and Trailers, endorsed by the Australian Transport Advisory Council and published pursuant to section 7 of the Motor Vehicle Standards Act 1989 of the Commonwealth;

*bus* means—

- (a) a motor vehicle that has been built—
  - (i) with seating positions for 10 or more adults (including the driver); and
  - (ii) to comply with the requirements specified in the Australian Design Rules for a passenger omnibus (within the meaning of those Rules); or
- (b) a motor vehicle prescribed to be a bus—

but does not include—

- (c) a vehicle that is a taxi-cab in respect of which a taxi-cab licence is granted under the **Transport Act 1983**; or
- (d) a motor vehicle prescribed not to be a bus;

---

***community and private bus service*** means a service—

- (a) consisting of the carriage of passengers by a bus for or in connection with the activities of a religious, educational, health, welfare, philanthropic, sporting or social body; and
- (b) which is provided for no consideration or for consideration which is limited to the costs or part of the costs incurred in making the journey;

***operator***, in relation to a party bus, means a person who is responsible for controlling or directing the operations of the party bus but does not include—

- (a) a person who merely maintains or arranges for the maintenance of a bus; or
- (b) a person who carries out those functions as the employee of, or under the direction of, another person; or
- (c) a person in a prescribed class of persons;

***party bus*** means a bus that is operated for hire or reward for the carriage of passengers on the basis that the bus is pre-booked for those passengers but does not include—

- (a) a bus operated by or for a community and private bus service; or

- 
- (b) a bus hired by or for a group of passengers who provide their own driver."

## **8 Infringement penalties**

(1) After section 144(3) of the Principal Act **insert—**

"(4) Despite subsection (1), the infringement penalty for an offence against section 113A(1) is 2 penalty units."

(2) In section 141 of the Principal Act—

(a) in subsection (1AA) for "(2)(m)" **substitute** "(2)(fc), (m)";

(b) after subsection (2)(fb) **insert—**

"(fc) section 113A(1) (consumption of liquor on party buses);".

## **9 Repeal of amendment after trial period**

Section 144(4) of the Principal Act is **repealed**.

## **10 Repeal of amending Act**

This Act is **repealed** on 1 November 2011.

### **Note**

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

---

---

## ENDNOTES

† *Minister's second reading speech—*

*Legislative Assembly: 11 November 2009*

*Legislative Council: 9 December 2009*

The long title for the Bill for this Act was "A Bill for an Act to amend the **Liquor Control Reform Act 1998** in relation to the consumption of liquor on party buses and for other purposes."