

**Liquor Control Reform Amendment (ANZAC Day)
Act 2010
No. 8 of 2010**

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Victoria

Liquor Control Reform Amendment (ANZAC Day) Act 2010[†]

No. 8 of 2010

[Assented to 16 March 2010]

The Parliament of Victoria enacts:

1 Purpose

The main purpose of this Act is to amend the **Liquor Control Reform Act 1998** in relation to the supply of liquor on ANZAC Day.

2 Commencement

- (1) This Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 July 2010, it comes into operation on that day.

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,
59/2009,
68/2009 and
88/2009.
LawToday:
www.
legislation.
vic.gov.au

3 Principal Act

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

4 General licence

In section 8(1)(a)(iii) of the Principal Act, before "between" **insert** "subject to section 15A,".

5 On-premises licence

- (1) In section 9(1)(a)(iii) of the Principal Act, before "between" **insert** "subject to section 15A,".
- (2) In section 9(1)(b)(iii) of the Principal Act, before "between" **insert** "subject to section 15A,".

6 Restaurant and cafe licence

- (1) In section 9A(1)(a)(ii) of the Principal Act, before "at any other times" **insert** "subject to section 15A,".
- (2) In section 9A(1)(b) of the Principal Act, before "to supply" **insert** "subject to section 15A,".

7 Club licence

- (1) In section 10(2)(b) of the Principal Act, before "at any other times" **insert** "subject to section 15A,".

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- (2) In section 10(3) of the Principal Act, for "A restricted" **substitute** "Subject to section 15A, a restricted".

8 Packaged liquor licence

In section 11(1)(c) of the Principal Act, before "between" **insert** "subject to section 15A,".

9 Late night licence

- (1) In section 11A(2)(a)(ii) of the Principal Act, before "at any other times" **insert** "subject to section 15A,".
- (2) In section 11A(3)(a)(ii) of the Principal Act, before "at any other times" **insert** "subject to section 15A,".
- (3) In section 11A(3)(b) of the Principal Act, before "to supply" **insert** "subject to section 15A,".
- (4) In section 11A(4)(b) of the Principal Act, before "at any other times" **insert** "subject to section 15A,".

10 Limited licence

- (1) In section 14(1A)(a) of the Principal Act, after "Director" **insert** "subject to section 15A".
- (2) In section 14(1B)(a) of the Principal Act, before "authorises" **insert** "subject to section 15A,".

11 Major event licence

In section 14A(1) of the Principal Act, after "Director" **insert** "subject to section 15A".

12 BYO permit

In section 15(1) of the Principal Act, for "A BYO" **substitute** "Subject to section 15A, a BYO".

13 New sections 15A to 15D inserted

After section 15 of the Principal Act **insert—**

"15A ANZAC Day restrictions

- (1) Subject to sections 15B(1), 15C(1) and 15D(1), the following licences do not authorise the supply of liquor at any time between 3 a.m. and 12 noon on ANZAC Day despite anything to the contrary in section 9A, 10, 11A or 14(1B) or the licence—
 - (a) a restaurant and cafe licence;
 - (b) a club licence;
 - (c) a late night licence;
 - (d) a renewable limited licence.
 - (2) A BYO permit does not authorise the supply of liquor at any time between 3 a.m. and 12 noon on ANZAC Day despite anything to the contrary in section 15 or the permit.
 - (3) Subject to sections 15B(2), 15C(2) and 15D(2) the following licences do not authorise the supply of liquor at any time between 5 a.m. and 12 noon on ANZAC Day despite anything to the contrary in section 8, 9 or 11 or the licence—
 - (a) a general licence;
 - (b) an on-premises licence;
 - (c) a packaged liquor licence.
 - (4) The Director must not make a determination under section 14(1A)(a) or 14A(1) authorising the supply of liquor at any time between 3 a.m. and 12 noon on ANZAC Day unless the Director is satisfied that the supply of liquor—
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- (a) will occur in connection with ANZAC Day commemorative activities; and
 - (b) will be consistent with the solemn observance of that day.
- (5) This section applies to a licence (other than a temporary limited licence or major event licence) or BYO permit whether granted before or after the commencement of section 13 of the **Liquor Control Reform Amendment (ANZAC Day) Act 2010**.
- (6) This section applies to a temporary limited licence or major event licence granted after the commencement of section 13 of the **Liquor Control Reform Amendment (ANZAC Day) Act 2010**.
- (7) This section does not apply to a licence held by the Returned and Services League or a sub-branch of the Returned and Services League.

15B Exemptions from ANZAC Day restrictions—Duty free shops and aircraft

- (1) Section 15A(1) does not prohibit the supply of liquor at any time between 3 a.m. and 12 noon on ANZAC Day under a licence if—
- (a) that licence is held in relation to—
 - (i) an outwards duty free shop within the meaning of section 96A of the Customs Act 1901 of the Commonwealth; or
 - (ii) an inwards duty free shop within the meaning of section 96B of the Customs Act 1901 of the Commonwealth; or

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- (b) that liquor is supplied for purchase or consumption on an aircraft.
 - (2) Section 15A(3) does not prohibit the supply of liquor at any time between 5 a.m. and 12 noon on ANZAC Day under a licence if—
 - (a) that licence is held in relation to—
 - (i) an outwards duty free shop within the meaning of section 96A of the Customs Act 1901 of the Commonwealth; or
 - (ii) an inwards duty free shop within the meaning of section 96B of the Customs Act 1901 of the Commonwealth; or
 - (b) that liquor is supplied for purchase or consumption on an aircraft.

15C Exemptions from ANZAC Day restrictions—Residents and guests

- (1) Section 15A(1) does not prohibit the supply of liquor at any time between 3 a.m. and 12 noon on ANZAC Day under a late night (general) licence, a late night (on-premises) licence or a renewable limited licence if that supply—
 - (a) is authorised under section 11A(2), 11A(3) or 14(1B) or the licence; and
 - (b) is either—
 - (i) to a resident of the licensed premises or the guest of a resident for consumption on the licensed premises; or

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- (ii) if the licensee resides on the licensed premises, on that part of the licensed premises set aside for the licensee's private residence to a guest of the licensee for consumption on that part of the licensed premises.
- (2) Section 15A(3) does not prohibit the supply of liquor at any time between 5 a.m. and 12 noon on ANZAC Day under a general licence or an on-premises licence if that supply—
- (a) is authorised under section 8 or 9 or the licence; and
 - (b) is either—
 - (i) to a resident of the licensed premises or the guest of a resident for consumption on the licensed premises; or
 - (ii) if the licensee resides on the licensed premises, on that part of the licensed premises set aside for the licensee's private residence to a guest of the licensee for consumption on that part of the licensed premises.

15D Exemptions from ANZAC Day restrictions—Wineries

- (1) Section 15A(1) does not prohibit the supply of liquor at any time between 3 a.m. and 12 noon on ANZAC Day under a licence if that supply—
- (a) takes place on a winery owned or occupied by the licensee; or

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- (b) is connected with the business activities of a winery owned or occupied by the licensee.
- (2) Section 15A(3) does not prohibit the supply of liquor at any time between 5 a.m. and 12 noon on ANZAC Day under a licence if that supply—
- (a) takes place on a winery owned or occupied by the licensee; or
- (b) is connected with the business activities of a winery owned or occupied by the licensee.
- (3) In this section—
- winery*** means a vineyard or orchard containing fruit-bearing vines or fruit trees from which liquor is produced."

14 Repeal of Act

This Act is **repealed** on 1 July 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: 4 February 2010

Legislative Council: 25 February 2010

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 supply of liquor on ANZAC Day and for other purposes."