

**Liquor Control Reform (Packaged Liquor
Licences) Act 2002**
Act No. 39/2002

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Victoria

No. 39 of 2002

Liquor Control Reform (Packaged Liquor Licences) Act 2002[†]

[Assented to 18 June 2002]

The Parliament of Victoria enacts as follows:

1. *Purpose*

The purpose of this Act is to amend the **Liquor Control Reform Act 1998**—

- (a) to provide for the misuse or abuse of alcohol to be an additional ground for objection to an application for the grant, variation or relocation of a packaged liquor licence;
- (b) to define the concept of amenity;

- (c) to improve the advertising of licence applications;
- (d) to provide for additional packaged liquor licence conditions;
- (e) to provide for an industry code of conduct on the retailing of packaged liquor that promotes the objects of the Act;
- (f) to phase out the 8% limit on packaged liquor licences;
- (g) to impose restrictions during the phase-out period on the grant, transfer and relocation of certain packaged liquor licences;
- (h) for other minor purposes.

2. Commencement

- (1) This Act (except sections 4(2) and 16) comes into operation on the day on which it receives the Royal Assent.
- (2) Section 4(2) is deemed to have come into operation on 14 May 2002.
- (3) Section 16 comes into operation on 1 January 2006.

3. Principal Act

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

See:
Act No.
94/1998.
Reprint No. 1
as at
18 October
2001
and
amending
Act No.
88/2001.
LawToday:
www.dms.
dpc.vic.
gov.au

4. Definitions

(1) **Insert** the following definitions in section 3(1) of the Principal Act—

' **"amenity"** has the meaning given by section 3A;

"permitted percentage" means—

- (a) at any time before the commencement of section 4(1) of the **Liquor Control Reform (Packaged Liquor Licences) Act 2002**—8%;
- (b) at any time on and after the commencement of section 4(1) of the **Liquor Control Reform (Packaged Liquor Licences) Act 2002** and before 1 July 2003—10%;
- (c) at any time on and after 1 July 2003 and before 1 July 2004—11%;
- (d) at any time on and after 1 July 2004—12%;'

(2) In section 3(1) of the Principal Act—

(a) **insert** the following definitions—

' **"related body corporate"** has the same meaning as in the Corporations Act;

"voting power" has the meaning given by section 26C;'

(b) for the definition of "related entity" **substitute**—

' **"related entity"**, in relation to a body corporate ("the subject body corporate"), means—

- (a) a related entity as that term would be defined in section 9 of the Corporations Act if the words "or member" were omitted from

paragraphs (d), (e) and (f) of that definition; or

- (b) a person (other than a body corporate) who has—
 - (i) any interest that gives the person voting power of not less than 1% in the subject body corporate, or entitles the person to a dividend or distribution of profits in, or distribution of property on the winding up of, the subject body corporate that is not less than 1% of the total dividend, distribution or property; or
 - (ii) an option or right to acquire an interest referred to in subparagraph (i); or
- (c) a person (other than a body corporate) in circumstances where any other person has an option or right to require the person to acquire an interest referred to in paragraph (b)(i); or
- (d) another body corporate that has, or a related body corporate of which has—
 - (i) any interest that gives the other body corporate or related body corporate voting power of not less than 1% in the subject body corporate, or entitles the other body corporate or related body corporate to a dividend or

- distribution of profits in, or distribution of property on the winding up of, the subject body corporate that is not less than 1% of the total dividend, distribution or property; or
- (ii) an option or right to acquire an interest referred to in subparagraph (i); or
- (e) another body corporate in circumstances where any other person has an option or right to require the body corporate, or a related body corporate of the body corporate, to acquire an interest referred to in paragraph (d)(i); or
- (f) another body corporate—
- (i) in which the subject body corporate, or a related body corporate of the subject body corporate, has any interest that gives the subject body corporate or related body corporate voting power of not less than 1% in the other body corporate, or entitles the subject body corporate or related body corporate to a dividend or distribution of profits in, or distribution of property on the winding up of, the other body corporate that is not less than 1% of the total dividend, distribution or property; or

- (ii) in relation to which the subject body corporate, or a related body corporate of the subject body corporate, has an option or right to acquire an interest referred to in subparagraph (i); or
- (g) another body corporate in circumstances where any other person has an option or right to require the subject body corporate, or a related body corporate of the subject body corporate, to acquire an interest referred to in paragraph (f)(i) in the other body corporate; or
- (h) another body corporate an employee of which, or an employee of a related body corporate of which, is a director of the subject body corporate or of a related body corporate of the subject body corporate; or
- (i) another body corporate a director of which, or a director of a related body corporate of which, is an employee of the subject body corporate or of a related body corporate of the subject body corporate;'

5. *New section 3A inserted*

After section 3 of the Principal Act **insert**—

"3A. *What is amenity?*

- (1) For the purposes of this Act, the amenity of an area is the quality that the area has of being pleasant and agreeable.
- (2) Factors that may be taken into account in determining whether the grant, variation or relocation of a licence would detract from or be detrimental to the amenity of an area include—
 - (a) the presence or absence of parking facilities;
 - (b) traffic movement and density;
 - (c) noise levels;
 - (d) the possibility of nuisance or vandalism;
 - (e) the harmony and coherence of the environment;
 - (f) any other prescribed matters.
- (3) Nothing in sub-section (2) is intended to limit the definition of amenity."

6. *Conditions of packaged liquor licence*

- (1) In section 11(3) of the Principal Act, after paragraph (aa) **insert**—
 - "(aab) a condition that, following the period of 3 months after the grant or transfer of the licence to the licensee, the area set aside as the licensed premises is, at any time when it is open for business, under the management or control of a person who has completed a responsible service of alcohol program approved by the Director under sub-section (4); and
 - (aac) a condition that every person who has the management or control of the area set aside as the licensed premises when it is open for

- business must have completed a responsible service of alcohol program approved by the Director under sub-section (4) in the previous financial year; and
- (aad) a condition that the licensee comply with the code of conduct (if any) determined by the Minister under sub-section (5) as in force from time to time; and".
- (2) In section 11 of the Principal Act, after sub-section (3) **insert**—
- "(4) The Director may, from time to time, approve programs to be responsible service of alcohol programs for the purposes of the licence condition referred to in sub-section (3)(aab) and the licence condition referred to in sub-section (3)(aac).
- (5) The Minister, by notice published in the Government Gazette, may determine a code of conduct, consistent with the objects of this Act, for licensees of packaged liquor licences.
- (6) The Minister may, at any time by notice published in the Government Gazette, vary or revoke the code of conduct under sub-section (5).
- (7) The Minister must not determine a code of conduct, or vary or revoke it, until the Minister has consulted packaged liquor licensees."

7. Phase out of limit on packaged liquor licences

- (1) In the Principal Act—
- (a) in the heading to section 18A, **omit** "8%";
- (b) in section 18A(3), for "8%" (where twice occurring), **substitute** "the permitted percentage".
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- (2) In section 23 of the Principal Act—
- (a) in sub-section (1), for "8%" (where twice occurring) **substitute** "the permitted percentage";
 - (b) at the foot of sub-section (1) **insert**—
"Note: The permitted percentage is defined in section 3(1).";
 - (c) in sub-section (2)(b), for "8%" (where twice occurring) **substitute** "the permitted percentage";
 - (d) in the example at the foot of sub-section (3), for "Company A cannot be granted" **substitute** "If the permitted percentage were 8%, company A could not be granted".

8. Amendments to Division 3A of Part 2

- (1) In the Principal Act—
- (a) for the heading to Division 3A of Part 2 **substitute**—
"Division 3A—Substantial Interests in Packaged Liquor Licensees and Their Related Entities";
 - (b) in section 26A, for the definition of "commencement day" **substitute**—
" "**commencement day**" means the day on which the **Liquor Control Reform (Packaged Liquor Licences) Act 2002** received the Royal Assent;";
 - (c) in the heading to section 26E, for "**Controlling**" **substitute** "**Substantial**";
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- (d) in section 26E—
 - (i) for "controlling" **substitute** "substantial";
 - (ii) for "50%" (wherever occurring) **substitute** "20%";
 - (e) section 26F is **repealed**;
 - (f) in section 26G, for "controlling" (wherever occurring, including in the heading) **substitute** "substantial";
 - (g) section 26H is **repealed**.
- (2) In section 26I of the Principal Act—
- (a) in sub-section (1)—
 - (i) for "controlling" (wherever occurring) **substitute** "substantial";
 - (ii) in paragraphs (b) and (c), for "8%" **substitute** "the permitted percentage";
 - (b) in the note at the foot of sub-section (1), after "section 26A." **insert** 'See also the definition of "permitted percentage" in section 3(1).';
 - (c) in sub-section (2), for "8%" **substitute** "the permitted percentage";
 - (d) sub-section (7) is **repealed**;
 - (e) in sub-section (8), for the definition of "relevant day", **substitute**—
' "**relevant day**" means—
 - (a) if the interest that gave rise to the substantial interest referred to in sub-section (1)(a) was acquired

before the commencement day—
the commencement day; or

- (b) if the interest that gave rise to the substantial interest referred to in sub-section (1)(a) was acquired on or after the commencement day—the day on which the interest was acquired.'

(3) In the Principal Act—

(a) in section 26J—

(i) for "controlling" (wherever occurring)
substitute "substantial";

(ii) for "8%" (where twice occurring)
substitute "the permitted percentage";

(b) in the note at the foot of section 26J, after "section 26A." **insert** 'See also the definition of "permitted percentage" in section 3(1).'

9 New Division 3B inserted in Part 2

After Division 3A of Part 2 of the Principal Act
insert—

**'Division 3B—Interim Restrictions on Grant,
Transfer or Relocation of Packaged Liquor
Licences**

26L. Application of Division

- (1) This Division applies to the grant or transfer of a packaged liquor licence to a person, or the relocation of a packaged liquor licence held by a person if, at the time of the determination of the application for grant, transfer or relocation—

- (a) in the case of a natural person, the person holds more than 8%, but not more than the permitted percentage, of all packaged liquor licences granted and in force under this Act; or
 - (b) in the case of a body corporate, the sum of the packaged liquor licences held by the body corporate and by any related entities is more than 8%, but not more than the permitted percentage, of all packaged liquor licences granted and in force under this Act.
- Note: The permitted percentage is defined in section 3(1).
- (2) However, this Division does not apply to—
- (a) the transfer of a packaged liquor licence specified in Schedule 2; or
 - (b) the transfer, before 1 September 2002, of a packaged liquor licence to a body corporate from any of its related bodies corporate; or
 - (c) the relocation of a packaged liquor licence—
 - (i) within a retail shopping centre (within the meaning of the **Retail Tenancies Reform Act 1998**); or
 - (ii) if the premises to which the licence is relocated are within 100 metres of the existing licensed premises.
- (3) For the avoidance of doubt, nothing in this Division limits the application of section 23.

26M. Definitions and interpretation

- (1) In this Division—
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"designated area", in respect of designated premises, means the area surrounding the designated premises as determined by the Minister under sub-section (2);

"designated premises" means premises or proposed premises referred to in section 26O(1);

"excluded licensee", in respect of a designated area, means a licensee of packaged liquor licensed premises in that area if—

- (a) the licence was granted or transferred to the licensee, or relocated into the designated area, after 23 January 2001; or
- (b) the licensee is a natural person who, on 1 January 2002, held more than 8% of all packaged liquor licences granted and in force under this Act; or
- (c) the licensee is a body corporate and the sum of the packaged liquor licences held by it and by any related entities on 1 January 2002 was more than 8% of all packaged liquor licences granted and in force under this Act;

"packaged liquor licence" includes a general licence under which, in the opinion of the Director, the predominant activity carried on in the area set aside as the licensed premises is the sale by retail of liquor for consumption off the licensed premises;

"packaged liquor licensed premises"

means premises in respect of which a packaged liquor licence is in force;

"practising accountant" means a member of CPA Australia, the Institute of Chartered Accountants in Australia or the National Institute of Accountants;

"prospective applicant" means a person who wants a packaged liquor licence in respect of premises or proposed premises, whether by the grant of a new licence or the transfer or relocation of an existing licence.

- (2) For the purposes of this Division, the Minister, by notice published in the Government Gazette, may from time to time determine an area to be the designated area in respect of designated premises.
- (3) The designated area may vary for different areas of the State.
- (4) In this Division, a reference to a licence includes a reference to a licence that is renewed in accordance with Division 8.
- (5) In determining for the purposes of this Division the number of packaged liquor licences held by a person, account is not to be taken of any general licence that was—
 - (a) in force on 23 January 2001; and
 - (b) held by the person on that day.

26N. *Limitation on grant, transfer or relocation of certain packaged liquor licences*

If this Division applies, the Director must not grant an application for the grant, transfer or relocation of a packaged liquor licence except in accordance with this Division.

26O. *Required notifications in relation to designated premises and designated areas*

- (1) A prospective applicant may notify the Director in writing of the address or location of the premises or proposed premises in respect of which the prospective applicant wants a packaged liquor licence.
- (2) A prospective applicant who notifies the Director under sub-section (1) must cause a notice to be advertised in a newspaper circulating in the designated area containing—
 - (a) the name and address of the prospective applicant; and
 - (b) the address or location of the designated premises; and
 - (c) any other information specified by the Director.
- (3) The notice referred to in sub-section (2) must comply with any requirements specified by the Director as to size.
- (4) Within 14 days after receiving a notification under sub-section (1), the Director must—
 - (a) give written notice to the prospective applicant—
 - (i) containing the name and address of any licensee of packaged liquor licensed premises in the

- designated area in respect of the designated premises, other than the prospective applicant or an excluded licensee; and
- (ii) if there are more than one such packaged liquor licensed premises, specifying the order of the licensees for the purposes of section 26R; and
- (b) give written notice to each licensee of packaged liquor licensed premises in the designated area in respect of the designated premises, other than the prospective applicant or any excluded licensee, specifying—
- (i) the name and address of the prospective applicant; and
- (ii) the address or location of the designated premises.
- (5) For the purposes of sub-section (4)(a)(ii), the Director is to determine the order of licensees in the order of closest to furthest in proximity of the packaged liquor licensed premises to the designated premises by the nearest practicable route.
- (6) For the avoidance of doubt, this section applies if the designated premises are packaged liquor licensed premises (that is, where the licensee is a person other than the prospective applicant).

26P. *What happens if there are no other packaged liquor licensed premises in the designated area?*

If there are no packaged liquor licensed premises in the designated area (other than

premises of the prospective applicant or an excluded licensee)—

- (a) the Director must give written notice of that fact to the prospective applicant within 14 days after receiving notification under section 26O(1); and
- (b) a packaged liquor licence may be granted or transferred to the prospective applicant in respect of the designated premises, or relocated to the designated premises, in accordance with this Act as if this Division did not apply.

26Q. *Procedure if there is one other packaged liquor licensed premises in the designated area*

- (1) If there is one packaged liquor licensed premises in the designated area (other than premises of the prospective applicant or an excluded licensee), the prospective applicant may give a written notice that complies with sub-section (2) to the licensee of the packaged liquor licensed premises.
- (2) A notice under sub-section (1) must—
 - (a) request the licensee to inform the prospective applicant, within 7 days after receiving the notice, whether or not the licensee is interested in receiving an offer from the prospective applicant to purchase the packaged liquor business carried on at the licensee's packaged liquor licensed premises; and
 - (b) be sent to the licensee by registered post or certified mail.

- (3) If, within 7 days after receiving a notice under sub-section (1), the licensee informs the prospective applicant that the licensee is interested in receiving an offer, the prospective applicant may make a written offer to purchase the packaged liquor business carried on at the licensee's packaged liquor licensed premises, for a price that is not less than the amount determined in accordance with section 26S.
- (4) If an offer under sub-section (3) is accepted, an application may be made and determined, in accordance with this Act, for the transfer of the licence from the licensee to the prospective applicant and, if necessary, the relocation of the licence to the designated premises.
- (5) If the licensee—
 - (a) informs the prospective applicant that the licensee is not interested in receiving an offer; or
 - (b) does not respond to the notice under sub-section (1) within 7 days; or
 - (c) does not, within 14 days after a request from the prospective applicant, give the prospective applicant any information the prospective applicant needs to be able to make an offer under sub-section (3); or
 - (d) does not accept an offer made under sub-section (3) within 30 days or any later period determined by the Director—

a packaged liquor licence may be granted or transferred to the prospective applicant in respect of the designated premises, or

relocated to the designated premises, in accordance with this Act as if this Division (other than section 26T) did not apply.

26R. Procedure if there are more than one other packaged liquor licensed premises in the designated area

- (1) If there are more than one packaged liquor licensed premises in the designated area (other than premises of the prospective applicant or an excluded licensee), the prospective applicant may give a written notice that complies with sub-section (2) to the first licensee in the order specified by the Director under section 26O(4)(a)(ii).
- (2) A notice under sub-section (1) must—
 - (a) request the licensee to inform the prospective applicant, within 7 days after receiving the notice, whether or not the licensee is interested in receiving an offer from the prospective applicant to purchase the packaged liquor business carried on at the licensee's packaged liquor licensed premises; and
 - (b) be sent to the licensee by registered post or certified mail.
- (3) If, within 7 days after receiving a notice under sub-section (1), the licensee informs the prospective applicant that the licensee is interested in receiving an offer, the prospective applicant may make a written

- offer to purchase the packaged liquor business carried on at the licensee's packaged liquor licensed premises, for a price that is not less than the amount determined in accordance with section 26S.
- (4) If an offer under sub-section (3) is accepted, an application may be made and determined, in accordance with this Act, for the transfer of the licence from the licensee to the prospective applicant and, if necessary, the relocation of the licence to the designated premises.
- (5) If the licensee—
- (a) informs the prospective applicant that the licensee is not interested in receiving an offer; or
 - (b) does not respond to the notice under sub-section (1) within 7 days; or
 - (c) does not, within 7 days after a request from the prospective applicant, give the prospective applicant any information the prospective applicant needs to be able to make an offer under sub-section (3); or
 - (d) does not accept an offer made under sub-section (3) within 30 days or any later period determined by the Director—
- the prospective applicant, after giving written notice to the Director, may give a written notice that complies with sub-section (2) to the next licensee in the order specified by the Director under section 26O(4)(a)(ii).
- (6) Sub-sections (2), (3), (4) and (5) apply if a prospective applicant gives a written notice referred to in sub-section (5) to a licensee, as
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if a reference in sub-section (5)(d) to 30 days were a reference to 15 days.

- (7) If all licensees of packaged liquor licensed premises in the designated area (other than the prospective applicant or excluded licensees)—
- (a) have informed the prospective applicant that they are not interested in receiving an offer; or
 - (b) have not responded to the notice under sub-section (1) or (5) (as the case requires) within 7 days; or
 - (c) have not, within 7 days after a request from the prospective applicant, given the prospective applicant any information the prospective applicant needs to be able to make an offer under sub-section (3); or
 - (d) have not accepted an offer made under sub-section (3) within 15 or 30 days (as the case requires) or any later period determined by the Director—

a packaged liquor licence may be granted or transferred to the prospective applicant in respect of the designated premises, or relocated to the designated premises, in accordance with this Act as if this Division (other than section 26T) did not apply.

26S. *Minimum offer price*

- (1) For the purposes of section 26Q(3) and 26R(3), the minimum offer price is as set out in this section.

- (2) If the offer is being made to the licensee of the designated premises, the minimum offer price is 3 times the licensee's annual net profit in respect of the packaged liquor business for the previous financial year, as certified by a practising accountant.
- (3) In any other case, the minimum offer price is—
- (a) 3.5 times the licensee's annual net profit in respect of the packaged liquor business for the previous financial year, as certified by a practising accountant; and
 - (b) if the licensee is a tenant at the packaged liquor licensed premises, an additional amount that is the lowest of—
 - (i) 6 months' rent under the lease of the packaged liquor licensed premises;
 - (ii) the rental payable under the remaining term of the lease;
 - (iii) an amount that would enable the licensee to terminate the lease.
- (4) If the licensee and the prospective applicant cannot agree as to the amount of the minimum offer price—
- (a) the prospective applicant must notify the Director; and
 - (b) the Director must appoint a person who, in the Director's opinion, is a
-

suitably qualified person, to determine the amount of the minimum offer price in accordance with this section.

- (5) A determination under sub-section (4)(b) as to the amount of the minimum offer price is binding on the licensee and the prospective applicant.
- (6) The costs of a determination under sub-section (4)(b) are to be borne equally by the licensee and the prospective applicant.

26T. *Director may require evidence*

The Director may require an applicant for the grant, transfer or relocation of a licence to provide evidence, to the satisfaction of the Director, that the applicant has complied with section 26Q or 26R (as the case requires), before considering whether or not to grant the application.'

10. *New section 35 inserted*

For section 35 of the Principal Act **substitute**—

'35. *Advertisement of licence application*

- (1) An applicant for the grant, variation or relocation of a packaged liquor licence or a prescribed licence must cause notice of the application to be advertised in a newspaper circulating in the area—
 - (a) in which the premises to which the application relates are or are to be situated; or
 - (b) to which the licensed premises are sought to be relocated—

or to be advertised in the manner directed by the Director under sub-section (3)(b).

- (2) The Director may direct an applicant for the grant, variation or relocation of a licence (other than a packaged liquor licence or prescribed licence) to cause notice of the application to be advertised in a newspaper circulating in the area—
- (a) in which the premises to which the application relates are or are to be situated; or
 - (b) to which the licensed premises are sought to be relocated—
- or to be advertised in the manner directed by the Director under sub-section (3)(b).
- (3) The Director may—
- (a) specify the newspaper in which notice of an application, or of applications of a specified class, is or are to be advertised;
 - (b) direct that an application, or applications of a specified class, is or are to be advertised in another manner specified by the Director.
- (4) A notice referred to in sub-section (1) or (2) must comply with any requirements specified by the Director as to size and the information contained in it.
- (5) The Director must refuse to consider an application until the applicant has complied with sub-section (1) or (2), as the case requires.
- (6) In this section—

"prescribed licence" means a licence, other than a limited licence, of a class that is prescribed for the purposes of subsection (1).'

11. Objections

- (1) In section 38 of the Principal Act, after subsection (1) **insert**—

"(1A) In addition to the ground referred to in subsection (1), any person may object to the grant, variation or relocation of a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol."

- (2) In section 40 of the Principal Act, after subsection (1) **insert**—

"(1A) In addition to the ground referred to in subsection (1), the Council of the municipal district in which premises are situated may object to—

- (a) the grant or variation of a packaged liquor licence in respect of those premises; or
- (b) the relocation of a packaged liquor licence to those premises—

on the ground that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol."

- (3) In section 41(3) of the Principal Act, for paragraph (a) **substitute**—

"(a) be made to the Director in writing within 30 days after—

- (i) in the case of an objection to the grant, variation or relocation of a licence—the

day on which notice of the application was first displayed under section 34(1); or

- (ii) in the case of an objection to the transfer of a licence—the day on which the application was made; and".

12. *Miscellaneous amendments*

In the Principal Act—

- (a) in sections 105(4) and 106(4), **omit** "or representations";

- (b) in sections 131(1)(b) and 135(b), for "residential licence" **substitute** "general licence or an on-premises licence relating to licensed premises where accommodation for residents is provided".

13. *Supreme Court—limitation of jurisdiction*

At the end of section 179A of the Principal Act **insert**—

- "(2) It is the intention of section 26K, as it applies to Division 3A of Part 2 as amended by the **Liquor Control Reform (Packaged Liquor Licences) Act 2002**, to alter or vary section 85 of the **Constitution Act 1975**".

14. *New Schedule 2 inserted*

After Schedule 1 to the Principal Act **insert**—

"SCHEDULE 2

Section 26L(2)(a)

**PACKAGED LIQUOR LICENCES TO WHICH
DIVISION 3B OF PART 2 DOES NOT APPLY**

Packaged liquor licence numbers:

32006727	32024115
32051675	32023931
32051154	32003745
32022139	32008614
32008402	32024602
32050988	32050996
32024335	32021913
32050970	32051976
32050857	32050954".

15. Transitional provision

In Schedule 3 to the Principal Act, after clause 19
insert—

**"20. Transitional provision—Liquor Control Reform
(Packaged Liquor Licences) Act 2002**

- (1) Section 11(3)(aac) and (aad), as inserted by section 6(1) of the **Liquor Control Reform (Packaged Liquor Licences) Act 2002**, extends to packaged liquor licences in force at the commencement of that section 6(1).
- (2) However, the licence condition referred to in section 11(3)(aac) does not apply to a packaged liquor licence until the financial year commencing on 1 July 2003.
- (3) Section 35, as substituted by section 10 of the **Liquor Control Reform (Packaged Liquor Licences) Act 2002**, applies to an application made on or after the commencement of that section 10.
- (4) If—
 - (a) on or after 14 May 2002 but before the day on which the **Liquor Control Reform (Packaged Liquor Licences) Act 2002** receives the Royal Assent, the

Director grants or transfers to a person a packaged liquor licence; and

- (b) the grant or transfer would have been prohibited by section 23 had the **Liquor Control Reform (Packaged Liquor Licences) Act 2002** received the Royal Assent—

the grant or transfer (as the case requires) is, and must be taken always to have been, void."

16. Abolition of limit on packaged liquor licences

In the Principal Act—

- (a) in section 3(1), the definitions of "permitted percentage", "related body corporate", "related entity" and "voting power" are **repealed**;
- (b) sections 8(2)(ca), 18A and 23, Divisions 3A and 3B of Part 2, sections 90(1)(fa) and 179A and Schedule 2 are **repealed**.

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ENDNOTES

† *Minister's second reading speech—*

Legislative Assembly: 16 May 2002

Legislative Council: 11 June 2002

The long title for the Bill for this Act was "to amend the **Liquor Control Reform Act 1998** with respect to packaged liquor licences and for other purposes."

Constitution Act 1975:

Section 85(5) statement:

Legislative Assembly: 16 May 2002

Legislative Council: 11 June 2002

Absolute majorities:

Legislative Assembly: 6 June 2002

Legislative Council: 13 June 2002