

LEGISLATIVE ASSEMBLY

LIQUOR CONTROL REFORM AMENDMENT BILL 2007

(Amendments to be moved by Mr O'Brien)

1. Clause 5, page 9, lines 30 and 31, omit all words and expressions on these lines and insert—
 - "(j) that, under section 148E—
 - (i) the notice may be varied or revoked; or
 - (ii) the person may appeal to the Magistrates' Court against the decision to give the notice."
2. Clause 5, page 11, line 20, after "**notice**" insert "**and appeal to Magistrates' Court**".
3. Clause 5, page 11, after line 28 insert—
 - "(3) A person to whom a banning notice applies may appeal to the Magistrates' Court against the decision to give the notice.
 - (4) A person may appeal under subsection (3), and the Magistrates' Court may hear and determine an appeal under that subsection, whether or not the period for which the notice applies has expired.
 - (5) On an appeal under subsection (3), the Magistrates' Court must—
 - (a) redetermine the decision to give the notice; and
 - (b) hear any relevant evidence tendered by the appellant or the relevant police member who gave the notice; and
 - (c) without limiting its discretion, take into consideration anything that the relevant police member ought to have considered."
4. Clause 15, after line 28 insert—
 - "(2) Before making a late hour entry declaration referred to in subsection (1), the Director must consult the Chief Commissioner."
5. Clause 15, line 29, omit "(2)" and insert "(3)".
6. Clause 15, page 31, line 1, omit "(3)" and insert "(4)".
7. Clause 15, page 31, line 13, omit "(4)" and insert "(5)".
8. Clause 16, after line 24 insert—
 - "() At the end of section 87 of the Principal Act **insert**—
 - "(4) A licensee may apply to the Tribunal for review of a decision of a senior police member to suspend a licence under section 96A.

(5) A licensee may apply under subsection (4), and the Tribunal may hear and determine an application under that subsection, whether or not the period of suspension has expired."."

9. Clause 19, page 35, line 18, omit "under" and insert "in accordance with".
10. Clause 22, line 27, after "on" insert "**party**".
11. Clause 22, line 29, after "on a" insert "party".
12. Clause 22, line 31, after "the" insert "party".
13. Clause 22, page 37, lines 8 and 9, omit all words and expressions on these lines and insert—

"party bus means a bus within the meaning of the **Public Transport Competition Act 1995** that—

- (a) is operated for hire or reward—
 - (i) for the carriage of a group of persons to one or more licensed premises for the primary purpose of the consumption of alcohol on those premises by members of that group; and
 - (ii) on the basis that the bus has been previously booked or ordered by that group and that members of that group are not each charged a separate fare; or
- (b) is of a class prescribed by the regulations for the purposes of this section."."

14. Clause 23, lines 23 and 24, omit "or is otherwise not in the public interest".