

# Liquor Control (Licences And Permits) Bill

No.

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# LEGISLATIVE ASSEMBLY

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Read 1° 15 November 1995

*(Brought in by Mr Heffernan and Mr Gude)*

## A BILL

to amend the **Liquor Control Act 1987** to make further provision in relation to licences and permits and for other purposes.

### **Liquor Control (Licences and Permits) Act 1995**

**The Parliament of Victoria enacts as follows:**

#### **1. *Purpose***

The main purpose of this Act is to amend the **Liquor Control Act 1987** so as—

- 5           (a) to enable Orders in Council to be made imposing certain requirements on the holders of certain licences and permits; and
- 10           (b) to enable the Minister to make application under section 101 for the cancellation or suspension of a licence or permit.

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Section headings appear in bold italics and are not part of the Act.  
(See **Interpretation of Legislation Act 1984**.)

**2. Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

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No. 83/1994.

**3. Principal Act**

In this Act the **Liquor Control Act 1987** is called the Principal Act.

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**4. Definitions**

In section 3 of the Principal Act, after the definition of “prescribed” insert—

“**prescribed area**” means—

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(a) the area in the City of Melbourne bounded by Latrobe, Queen, Flinders and Spencer Streets and includes all premises abutting the northern side of Latrobe Street, the eastern side of Queen Street, the southern side of Flinders Street and the western side of Spencer Street and also includes any land (whether within the City of Melbourne or not) that is, by Order made by the Governor in Council under section 4B (1), included in the prescribed area; or

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(b) any other area that is, by Order made by the Governor in Council under section 4B (2), prescribed as a prescribed area for the purposes of this Act;’.

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**5. New section 4B inserted**

After section 4A of the Principal Act insert—

**‘4B. Order in Council**

(1) The Governor in Council, by Order published in the Government Gazette, may include in the prescribed area set out in paragraph (a) of the definition of

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“prescribed area” in section 3 any land, whether within the City of Melbourne or not.

- 5 (2) The Governor in Council, by Order published in the Government Gazette, may prescribe any area as a prescribed area for the purposes of this Act.’.

### **6. Cancellation and suspension**

10 In section 101 (5) of the Principal Act, after paragraph (b) **insert**—

“(ba) has contravened a provision of an Order made under section 112A (1) or 112B (1); or”.

### **7. New sections 112A and 112B inserted**

After section 112 of the Principal Act **insert**—

15 **“112A. Order in Council about weapon detection devices**

- 20 (1) The Governor in Council may, on the recommendation of the Minister made after the Minister has consulted the Minister administering the **Police Regulation Act 1958**, by Order published in the Government Gazette require the licensee or permittee of licensed premises within a prescribed area to use a weapon detection device on the licensed premises.

- 25 (2) The power conferred by sub-section (1) to make an Order in Council may be exercised in relation to all licensed premises within a prescribed area or within a specified part of a prescribed area bounded by four specified streets or in relation to any specified class or classes of licensed premises within a
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prescribed area or within a specified part of a prescribed area bounded by four specified streets.

- (3) Subject to this section, an Order in Council made under sub-section (1)— 5
  - (a) must specify in relation to any licensed premises to which it applies the kind of weapon detection device to be used and the purposes for which, and the manner in which, it is to be used; 10
  - (b) may be made so as to require a weapon detection device to be—
    - (i) in accordance with a specified standard or specified requirement; or 15
    - (ii) approved by or to the satisfaction of a specified person or a specified class of person; or 20
    - (iii) as specified in both sub-paragraphs (i) and (ii);
  - (c) may be made so as to confer a discretionary authority or impose a duty on a specified person or a specified class of person; 25
  - (d) may be made so as to apply at all times or at a specified time;
  - (e) may be made so as to provide in the case of a specified class of licensed premises for the exemption of people or things or a class of people or things from any of the provisions of the Order, whether unconditionally or on specified conditions and either wholly or to such an extent as is specified. 30  
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5 (4) Subject to sub-section (5), unless sooner revoked, an Order in Council made under sub-section (1) expires at the end of the period of 3 months after the day on which it was made.

10 (5) The Governor in Council may, on the recommendation of the Minister made after the Minister has consulted the Minister administering the **Police Regulation Act 1958**, by Order published in the Government Gazette extend the operation of an Order made under sub-section (1) that would otherwise expire by virtue of sub-section 15 (4) for a period specified in the Order not exceeding 3 months.

20 (6) Only one extension of the operation of an Order made under sub-section (1) can be made under sub-section (5).

25 (7) The power to make an Order under sub-section (1) may be exercised only once in relation to any particular licensed premises or class of licensed premises.

30 (8) Nothing in this section limits any power conferred on the Commission by any other provision of this Act to impose on a licence or permit or extended hours permit a condition requiring the licensee or permittee to use a weapon detection device on the licensed premises.

(9) This section expires on 30 June 1997.

**112B. Order in Council about police costs**

35 (1) The Governor in Council may, on the recommendation of the Minister made after the Minister has consulted the Minister administering the **Police**

- Regulation Act 1958**, by Order published in the Government Gazette require the licensee or permittee of licensed premises within a prescribed area to pay a contribution in respect of the reasonable costs incurred by the police force in providing services to the licensed premises and to the area in the immediate vicinity of the licensed premises. 10
- (2) The power conferred by sub-section (1) to make an Order in Council may be exercised in relation to all licensed premises within a prescribed area or within a specified part of a prescribed area bounded by four specified streets or in relation to any specified class or classes of licensed premises within a prescribed area or within a specified part of a prescribed area bounded by four specified streets. 15 20
- (3) Subject to this section, an Order in Council made under sub-section (1)—
- (a) must specify in relation to any licensed premises to which it applies the amount of contribution in respect of reasonable police costs that is payable, the person to whom or body to which it is payable, the manner in which, and the time or times at which, it is to be paid; 25 30
- (b) may be made so as to confer a discretionary authority or impose a duty on a specified person or a specified class of person; 35
- (c) may be made so as to apply at all times or at a specified time;
- (d) may be made so as to provide in the case of a specified class of licensed



5 premises for the exemption of  
people or things or a class of people  
or things from any of the provisions  
of the Order, whether  
unconditionally or on specified  
conditions and either wholly or to  
such an extent as is specified.

10 (4) Nothing in an Order in Council made  
under sub-section (1) limits the  
operation of any regulations made under  
the **Police Regulation Act 1958**  
empowering the Chief Commissioner of  
Police to charge for services provided by  
members of the police force.

15 (5) This section expires on 30 June 1997.”.

**8. *Recovery of amounts payable***

(1) In section 145A (1) of the Principal Act, before  
paragraph (a) **insert**—

20 “(aa) an amount payable as a contribution in  
respect of police costs under an Order made  
under section 112B (1);”.

(2) In section 145A of the Principal Act, after sub-section  
(4) **insert**—

25 “(4A) The Chief Executive Officer must pay to the  
Chief Commissioner of Police as soon as  
possible any amount referred to in sub-section  
(1) (aa) that has been paid to the Commission  
or recovered by the Chief Executive Officer  
under this section.”.

30 **9. *New section 157A inserted***

After section 157 of the Principal Act **insert**—

**“157A. *Weapon detection***

- (1) In this section “**weapon**” means a prescribed weapon or a regulated weapon within the meaning of the **Control of Weapons Act 1990.**
- (2) If, by the use of a weapon detection device, a weapon is detected or apparently detected on a person on, or seeking to enter, any licensed premises, the licensee or permittee may ask that person to leave, or refuse that person admittance to, those premises.
- (3) This section expires on 30 June 1997.”.

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