

1990 - No. 420

LIQUOR ACT 1982 - REGULATION
(Relating to the effect of floods in and around Nyngan
on the carrying on of a business under a licence
under the Liquor Act 1982)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Liquor Act 1982, has been pleased to make the Regulation set forth hereunder.

GARRY WEST
Chief Secretary.

The Liquor Regulation 1983 is amended:

- (a) by omitting from clause 37 (5) the matter "clause 37B" and by inserting instead the matter "clauses 37B and 37C".
- (b) by inserting after clause 37B the following clause:

Business affected by Nyngan flood

37C. (1) In this clause:

"applicable licence" means a licence:

- (a) that was in force, or under suspension, on 15 May 1990; and
- (b) that authorises, or but for being suspended would authorise, the carrying on of a business that, in the opinion of the Board, was adversely affected by flood damage; and

- (c) in respect of which there has been a failure to pay an instalment of the licence fee that was due on 15 May 1990;

"flood damage" means damage that, in the opinion of the Board, was caused by flooding that occurred in and around the town of Nyngan before 15 May 1990 during the licensing period that commenced on 16 January 1990.

(2) In relation to an applicable licence, clause 37 (5) (a) has effect as if the reference in that paragraph to 2 months were a reference to:

- (a) a longer period determined by the Board for the licence before 15 July 1990; or
- (b) if the Board determines to extend, or from time to time determines to extend, that longer period - the extended period, or the later or latest of the extended periods.
- (c) by omitting from clause 57 A (3) the matter "clause 57B" and by inserting instead the matter "clauses 57B and 57C".
- (d) by inserting after clause 57B the following clause:

Hotelier's business affected by Nyngan flood

57C. (1) If:

- (a) the Board determines a period under clause 37C in relation to a hotelier's licence; and
- (b) when the determination takes effect, the licence is subject to a condition referred to in section 20 (2A) of the Act,

clause 57A has effect in relation to the condition as if the reference in clause 57A (3) (a) to 2 months were a reference to the period determined under clause 37C.

EXPLANATORY NOTE

The Liquor Regulation 1983 provides for the automatic cancellation of a licence if the licence fee instalment due on 15 May 1990 is unpaid 2 months after that date.

The object of this Regulation is to enable the Liquor Administration Board to extend the period of 2 months in relation to a business that was adversely affected by the recent floods in the Nyngan area and in respect of which the licence fee instalment due on 15 May 1990 has not been paid.
