



Liquor Amendment (Justices Act) Regulation 1999

under the

Liquor Act 1982

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 1982*.

J. RICHARD FACE, M.P.,

Minister for Gaming and Racing

Explanatory note

Section 145C of the *Liquor Act 1982* allows regulations to declare that specified provisions of the *Justices Act 1902* apply to and in respect of the Licensing Court.

The object of this Regulation is to make a declaration in accordance with section 145C. The provisions to be applied deal with the practice and procedure of the Local Court, appeals from the Local Court and other related matters.

This Regulation is made under the *Liquor Act 1982*, including sections 145C (Application of Justices Act 1902) and 156 (the general regulation-making power).

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Clause 1 Liquor Amendment (Justices Act) Regulation 1999

Liquor Amendment (Justices Act) Regulation 1999

1 Name of Regulation

This Regulation is the *Liquor Amendment (Justices Act) Regulation 1999*.

2 Amendment of Liquor Regulation 1996

The *Liquor Regulation 1996* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 79A

Insert after clause 79:

79A Application of provisions of Justices Act 1902: section 145C

- (1) The following provisions of the *Justices Act 1902* apply to and in respect of the Licensing Court, subject to the modifications set out in Schedule 6:
 - (a) section 3 (in its application to the other provisions set out in this clause),
 - (b) section 20,
 - (c) Divisions 2–4 of Part 4 (other than sections 56 (1), 60 (2) and (3), 66A–66H, 84A and 98),
 - (d) Part 4A,
 - (e) section 113,
 - (f) Part 5A (other than section 133D),
 - (g) Part 6,
 - (h) Part 7 (other than section 145B and 152).
- (2) The following provisions of the *Justices (General) Regulation 1993* apply to and in respect of the Licensing Court:
 - (a) clauses 3–6,
 - (b) clauses 21A–23A,
 - (c) Schedule 1,
 - (d) Schedule 2, Form 6.
- (3) For the purposes of the application of the provisions of the *Justices Act 1902* and the *Justices (General) Regulation 1993*:
 - (a) a reference in that Act or that Regulation to a justice is taken to include a reference to a licensing magistrate, and
 - (b) a reference in that Act or that Regulation to a Local Court is taken to include a reference to the Licensing Court, and

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- (c) a reference in that Act or that Regulation to a clerk of a Local Court is taken to include a reference to a registrar of the Licensing Court, and
- (d) a reference in that Act or that Regulation to a complaint:
 - (i) is taken to be a reference to a complaint that commences proceedings for an offence, and
 - (ii) does not include a reference to a complaint under section 67, 104 or 111D of the *Liquor Act 1982* or section 17, 23B, 35 or 108 of the *Registered Clubs Act 1976*.

[2] Schedule 6

Insert after Schedule 5:

Schedule 6 Modifications to applied provisions of Justices Act 1902

(Clause 79A)

1 Section 63 Manner of service of summons

Section 63 operates in addition to, and does not derogate from, sections 151A and 151B of the *Liquor Act 1982*.

2 Section 70 How evidence is to be taken

Section 70 operates in addition to, and does not derogate from, section 12 of the *Liquor Act 1982*.

3 Sections 75A–75E

Sections 75A–75E operate in addition to, and do not derogate from, section 69 of the *Liquor Act 1982*.

4 Section 81 Payment of costs by defendant, or by prosecutor or complainant

Section 81 applies only to proceedings for offences and does not apply to other proceedings before the Licensing Court.

5 Section 152A Power to refer allegation of contempt to Supreme Court

Section 152A applies as if a reference to section 152 were a reference to section 13 of the *Liquor Act 1982*.