

## Schedule 3

# Model by-law about consumption of liquor

Section 4 of the current Land Regulation

## Trust Land Consumption of Liquor Model By-law

### Part 1 General

#### 1. Short title

This model by-law may be cited as the *Trust Land Consumption of Liquor Model By-law*.

#### 2. Purpose of model by-law

The purpose of this model by-law is to regulate the use of the trust land for the consumption of liquor.

#### 3. Definitions

In this model by-law—

**approved place** means a place subject to an approval in force under section 10.

**designated place** means a place subject to a designation in force under section 6.

**liquor** see the *Liquor Act 1992*, section 4B.

**trust land** means the trust land in relation to which the trustee of the land has adopted this model by-law, but does not include land or premises to which a licence or permit under the *Liquor Act 1992* relates.

#### 4. References to person acting for the trustee

(1) In a provision of this model by-law, a reference to a person acting for the trustee is a reference to a person chosen by the trustee to act for the trustee under the provision.

(2) A person chosen by the trustee to act for the trustee under a provision must be appropriately qualified to act for the trustee under the provision.

(3) In this section—

**appropriately qualified** includes having the qualifications, experience or standing appropriate to act for the trustee.

## **Part 2      Consumption of liquor**

### **5.      Consumption of liquor other than in particular places prohibited**

- (1) A person must not consume liquor on the trust land other than at—
  - (a) a designated place; or
  - (b) an approved place.Maximum penalty—5 penalty units.
- (2) A person who consumes liquor on the trust land at a place that is not a designated place or approved place does not commit an offence under subsection (1) if—
  - (a) the place was, but is no longer, a designated place; and
  - (b) the trustee has not complied with section 8 for the revocation or amendment of the place's designation.

## **Part 3      Designated places for the consumption of liquor**

### **6.      Trustee may designate trust land for liquor consumption**

- (1) The trustee may designate all or part of the trust land as a place where liquor may be consumed.
- (2) The trustee may state the period or times when the designation is to be in force.

### **7.      Trustee must advertise designation and place signs**

- (1) If the trustee designates a place under section 6, the trustee must advertise, or cause someone else to advertise, the designation in a newspaper circulating generally in the area in which the trust land is located.
- (2) The advertisement must—
  - (a) include a description of all, or the relevant part of, the trust land; and
  - (b) state when the trust land or part of the land is a designated place.
- (3) The trustee must also erect, or cause someone else to erect, signs—
  - (a) sufficiently identifying the trust land or part of the land as a designated place; and
  - (b) stating when the trust land or part of the land is a designated place.
- (4) The trustee does not need to comply with subsections (1) and (2) if the designation is in force for 1 day or less.
- (5) The trustee does not need to comply with subsections (1) to (3) if the designated place is adjacent to premises, on the trust land, used for the primary purpose of eating meals prepared, served and intended to be eaten on the premises.
- (6) However, the written approval of the trustee for the use of the designated place mentioned in subsection (5) must be conspicuously displayed in the designated place.

## **8. Trustee must advertise revocation or amendment of designation and remove or change signs**

- (1) If the trustee revokes or amends a designation, the trustee must advertise, or cause someone else to advertise, the revocation or amendment in a newspaper circulating generally in the area in which the trust land is located.
- (2) The advertisement must—
  - (a) for the revocation of a designation—include a description of the designated place; and
  - (b) for an amendment changing the boundaries of a designated place—include a description of the designated place as changed; and
  - (c) for an amendment changing when the designation is in force—state the new period or times.
- (3) The trustee must also ensure—
  - (a) for a revocation—that all signs identifying the place as a designated place are taken away; and
  - (b) for an amendment relating to the boundaries of the designated place—that signs sufficiently identify the place, as changed, as a designated place; and
  - (c) for an amendment relating to when the designation is in force—that signs identifying the designated place state the changed period or times.

## **Part 4 Approved places for consumption of liquor**

### **9. Application for approved place**

- (1) A person may apply to the trustee to approve the trust land, or part of the land, as a place where liquor may be consumed.
- (2) The application must include—
  - (a) the name and address of the applicant; and
  - (b) whether approval is sought in relation to all or part of the trust land; and
  - (c) details of the activity of which the consumption of liquor forms part; and
  - (d) the day on which, and times during which, the activity is to be conducted; and
  - (e) the number of persons likely to take part in the activity; and
  - (f) any other information the trustee may reasonably ask for.

## 10. Approved places

- (1) The trustee may approve an application made under section 9.
- (2) The approval must not be in force for more than 24 hours.
- (3) The approval may be given on reasonable conditions.
- (4) The approval must be in writing and state—
  - (a) the name of the person (the **approval holder**) who applied for the approval; and
  - (b) when the approval has effect; and
  - (c) if the approval relates to part only of the trust land—the part of the land to which it relates.
- (5) The approval holder must ensure the approval is made available for inspection, at the approved place, if asked for by the trustee or a person acting for the trustee.

## 11. Directions about complying with approval conditions

A person must not disobey a reasonable direction given by the trustee, or a person acting for the trustee, about complying with a condition imposed under section 10(3).

Maximum penalty—5 penalty units.