

## REPUBLIC OF NAURU

### LIQUOR CONTROL (AMENDMENT) NO. 2 BILL 2018

#### EXPLANATORY MEMORANDUM

The *Liquor Control (Amendment) No. 2 Bill 2018* is a Bill for the amendment to the *Liquor Control Act 2017*.

This memorandum provides an explanation of the Bill and is only intended to indicate the general effect.

**Clause 1** provides for the citation of the Bill, that once enacted the short title of the Bill will be the *Liquor Control (Amendment) No. 2 Act 2018*.

**Clause 2** provides that the Bill will commence on certification by the Speaker.

**Clause 3** is the enabling provision for the amendment of the *Liquor Control Act 2017*.

**Clause 4** amends section 4 of the Act by deleting the words '*Retail bottle store licence*' and '*Wholesale licence*' including their respective definitions.

**Clause 5** repeals and replaces the current section 12 of the Act. This clause clarifies the functions of the Liquor Licensing Board. The Board has broad discretionary authority to approve or deny a liquor licence application. The clause also includes the requirement for a liquor import licence.

This clause creates a special offence for importing liquor for wholesale or retail sale or supply in the Republic without a licence. The penalty for this offence is fine of not more than \$200,000 or an imprisonment term of not more 7 years and an order for the destruction or sale by public auction of any liquor imported for sale or supply without a licence. Funds received from a public auction of liquor shall go into the Treasury fund. Only the Supreme Court has the jurisdiction to hear and determine an offence for the importation of liquor without a licence.

**Clause 6** inserts a new section 12A which sets out how the Board may grant an off-licence for the exclusive wholesale or retail sale of alcoholic drinks in unopened containers by a licensee and his or her agents or servants. This is by imposing specific conditions on an off-licence granted by the Board.

**Clause 7** amends section 13(1)(c) to be consistent with other provisions of the Act.

**Clause 8** clarifies the function of the Board in making a decision on an application for a liquor licence lodged by an applicant. The clause provides for the matters the Board needs to consider in making its decision on receipt of an application for a licence.

**Clause 9** amends section 19(1). The amendment relates to the cross referencing provision which is amended from '*section 13*' to '*section 12*'.