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PROVINCIAL NOTICE

The following Bill is hereby published for general information:

Draft Western Cape Liquor Amendment Bill

P.N. 384/2009 16 October 2009

Any person or organization wishing to comment on the said Bill is requested to lodge such comment in writing before or on 23 November 2009:

- (a) by posting it to:
Kogie Pillay
P.O. Box 979
Cape Town
8000
- (b) by e-mail to:
kopillay@pgwc.gov.za
- (c) by delivering it to:
Kogie Pillay
Western Cape Liquor Board
6th Floor
Waldorf Building
80 St George's Mall
Cape Town
8001

INHOUD

PROVINSIALE KENNISGEWING

Die volgende Wetsontwerp word hierby vir algemene inligting gepubliseer:

Konsep Wes-Kaapse Drankwysigingswet

P.K. 384/2009 5 Oktober 2009

Enige persoon of organisasie wat kommentaar oor die genoemde Wetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 23 November 2009:

- (a) deur dit te pos aan:
Kogie Pillay
Posbus 979
Kaapstad
8000
- (b) deur dit te e-pos aan:
kopillay@pgwc.gov.za
- (c) deur dit af te lewer aan:
Kogie Pillay
Wes-Kaapse Drankraad
6de Verdieping
Waldorf-gebou
St George-wandelstraat 80
Kaapstad
8001

IZIQULATHO

ISAZISO SEPHONDO

Lo Mthetho uSayilwayo ulandelayo upapashwe apha ukunika ulwazi ngokubanzi:

UMthetho oyiLwayo OsaQulunqwayo WezoTywala Entshona Koloni

P.N. 384/2009 16 Oktobha 2009

Nabani na okanye nawuphi na umbutho onqwenela ukuphawula ngalo Mthetho uSayilwayo kuthethwa ngawo uyacelwa ukuba afake izimvo zakhe phambi okanye ngomhla wama-23 Novemba 2009:

- (a) ngokuwuposela ku:
Kogie Pillay
P.O. Box 979
Cape Town
8000
- (b) nge-imeyile ku:
kopillay@pgwc.gov.za
- (c) ngefeksi ku:
Kogie Pillay
IBhodi yezoTywala eNtshona Koloni
6th Floor
Waldorf Building
80 St George's Mall
Cape Town
8001



GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

————— Words underlined with a solid line indicate insertions in existing enactments.

DRAFT WESTERN CAPE LIQUOR AMENDMENT BILL, 2009

To amend the Western Cape Liquor Act, 2008, so as provide for the establishment of the Western Cape Liquor Authority, comprising of a governing Board and a Liquor Licensing Tribunal; to make further provision regarding the staff of the Authority; to further regulate the filling of casual vacancies on the said Board and Liquor Licensing Tribunal; to provide for all delegations in terms of the Act to be in writing; to make different provision regarding the remuneration, allowances and other terms and conditions of service of certain functionaries; to provide for the person appointed as Appeal Tribunal to serve on a part-time basis; to remove the possibility of a special event liquor licence being granted to a school; to regulate anew the lodgement of certain applications and reports; to clarify the competency of municipalities to determine trading days and hours for businesses selling liquor; to repeal provisions creating certain offences; to further regulate transitional provisions; to make further provision regarding the commencement of provisions of the Act; to effect certain textual changes; to correct certain incorrect references; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Parliament of the Western Cape as follows:—

Amendment of index to Act 4 of 2008

1. The index before section 1 of the Western Cape Liquor Act, 2008 (the principal Act), is amended—
- (a) by the substitution for the reference to the heading to Chapter 2 of the following item:
 - “WESTERN CAPE LIQUOR [**BOARD**] AUTHORITY”;
 - (b) by the substitution for the reference to the heading to section 2 of the following item:
 - “2. Establishment of Western Cape Liquor [**Board**] Authority”;
 - (c) by the insertion after the reference to the heading to section 6 of the following item:
 - “6A. Powers and functions of Board”;
 - (d) by the substitution for the reference to the heading to section 9 of the following item:
 - “9. Powers and functions of [**Board**] Authority”;
 - (e) by the substitution for the reference to the heading to Chapter 3 of the following item:
 - “[**WESTERN CAPE**] LIQUOR LICENSING TRIBUNAL AND APPEAL TRIBUNAL”;

- (f) by the deletion of the reference to section 15;
- (g) by the substitution for the reference to the heading to section 26 of the following item:
 “26. Administration of [**Board, Liquor Licensing Tribunal**] Authority and Appeal Tribunal”; 5
- (h) by the substitution for the reference to the heading to section 27 of the following item:
 “27. Remuneration [**of Chief Executive Officer, members of Board, Liquor Licensing Tribunal and Appeal Tribunal**]”; 10
- (i) by the substitution for the reference to the heading to section 28 of the following item:
 “28. Funding and financial management of the [**Board**] Authority”; 10
- (j) by the substitution for the reference to the heading to section 30 of the following item:
 “30. Revenue accruing to Provincial Revenue Fund, [**Board**] Authority or municipalities”; 15
- (k) by the substitution for the reference to the heading to section 38 of the following item:
 “38. Applications lying for inspection at [**Board**] Authority”; and 20
- (l) by the deletion of the expression “or employee”, wherever it appears. 20

Amendment of section 1 of Act 4 of 2008

2. Section 1 of the principal Act is amended—

- (a) by the insertion after the definition of “**Appeal Tribunal**” of the following definition:
 “**Authority** means the Western Cape Liquor Authority established by section 2(1);”; 25
- (b) by the substitution for the definition of “**Board**” of the following definition:
 “**Board** means the governing body of the Authority referred to in section 2(2)(a);”; 25
- (c) by the substitution for the definition of “**Chairperson**” of the following definition:
 “**Chairperson** means the person designated as Chairperson of the Board in terms of section 3[(6)(5) or a person who temporarily acts as Chairperson in his or her absence in terms of section 3[(7)(6)];”; 30
- (d) by the substitution for the definition of “**Chief Executive Officer**” of the following definition:
 “**Chief Executive Officer** means the person appointed as Chief Executive Officer of the [**Board**] Authority in terms of section 26(1)(a);”; 35
- (e) by the substitution for the definition of “**licensed business**” of the following definition:
 “**licensed business** means the business that may be conducted on licensed premises as authorised by the [**Board**] Authority;”; 40
- (f) by the substitution for the definition of “**Liquor Licensing Tribunal**” of the following definition:
 “**Liquor Licensing Tribunal** means the [**Western Cape**] Liquor Licensing Tribunal referred to in section 2(2)(b);”; and 45
- (g) by the insertion after the definition of “**prescribe**” of the following definition:
 “**previous Board** means the Liquor Board instituted for the Province by section 5 of the Liquor Act, 1989 (Act 27 of 1989);”. 50

Substitution of section 2 of Act 4 of 2008

3. The following section is substituted for section 2 of the principal Act:

“Establishment of Western Cape Liquor [Board**] Authority”**

- (1) There is hereby established an independent juristic person, to be known as the Western Cape Liquor [**Board**] Authority. 55

- (2) The **[Board]** Authority has the right and capacity to conduct and participate in legal proceedings and conduct all its business in its own name, and comprises of—
- (a) a governing Board; and
- (b) a Liquor Licensing Tribunal.”. 5

Substitution of section 4 of Act 4 of 2008

4. The following section is substituted for section 4 of the principal Act:

“Eligibility for appointment as member [or employee] of Board

4. In order to be eligible for appointment as a member **[or an employee]** of the Board, a person must— 10
- (a) **[in the case of a member of the Board]** have attained the age of twenty-five (25) years **[or, in the case of an employee of the Board, the age of eighteen (18) years]**;
- (b) be a citizen of the Republic of South Africa and permanently resident in the Province; and 15
- (c) not be disqualified under section 5.”.

Amendment of section 5 of Act 4 of 2008

5. Section 5 of the principal Act is amended—

- (a) by the deletion in the heading of the words “or employee”;
- (b) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 20
- “The following persons are disqualified from being appointed, continuing or acting as members **[or employees]** of the Board—”; and
- (c) by the deletion in subparagraph (ii) of paragraph (f) of subsection (1) of the words “or an employee”. 25

Insertion of section 6A in Act 4 of 2008

6. The following section is inserted in the principal Act after section 6:

“Powers and functions of Board

- 6A.** (1) The Board—
- (a) has the powers and functions conferred or imposed on it by this Act; 30
- (b) must manage the business of the Authority; and
- (c) may exercise the powers and must perform the duties conferred or imposed on the Authority by this Act or any other law, excluding powers or duties conferred or imposed specifically on the Liquor Licensing Tribunal. 35
- (2) The Board may appoint committees consisting of members of the Board.”.

Substitution of section 7 of Act 4 of 2008

7. The following section is substituted for section 7 of the principal Act:

“Termination of membership of Board 40

7. **[(1)]** A vacancy in the office of a member of the Board occurs when—
- (a) such member’s written resignation is received by the Minister: Provided that the resignation is effective as of the date stated in the written resignation or such other date as is agreed upon between the Minister and the member concerned; 45
- (b) such member becomes disqualified from remaining a member of the Board;

- (c) such member is absent from two consecutive meetings of the Board without the prior written leave of the Chairperson, or where applicable, the Deputy Chairperson;
- (d) such member's term of office has expired;
- (e) such member's term of office is terminated by the Minister: Provided 5
that the Minister may not terminate a member's term of office unless he or she considers this to be in the public interest or in the interest of the proper administration of this Act; **[and] or**
- (f) such member is no longer resident in the Province."

Substitution of section 8 of Act 4 of 2008 10

8. The following section is substituted for section 8 of the principal Act:

“Vacancies

- 8. (1) In the event of a vacancy **[contemplated by section 7] on the Board**, the Minister must appoint a new member to the Board in terms of **[sections] section 3 [4, 5 and 6]**. 15
- (2) Where applicable, a member so appointed holds office for the unexpired period of his or her predecessor's term of office."

Amendment of section 9 of Act 4 of 2008

9. Section 9 of the principal Act is amended—
- (a) by the substitution for the word “Board”, wherever it appears, of the word 20
“Authority”;
 - (b) by the substitution for paragraph (b) of the following paragraph:
“(b) to receive applications for liquor licences or exemptions in terms of
this Act **[and to transmit the applications to the Liquor
Licensing Tribunal]**”; 25
 - (c) by the substitution for paragraph (f) of the following paragraph:
“(f) to appoint and dismiss **[staff] employees** and do all things incidental
thereto;”; and
 - (d) by the deletion of paragraphs (h) and (t).

Amendment of section 10 of Act 4 of 2008 30

10. Section 10 of the principal Act is amended—
- (a) by the substitution for subsection (1) of the following subsection:
“(1) The **[Board] Authority** may in writing delegate any power or,
function of the Authority to the Chief Executive Officer to exercise or
perform on its behalf.”; 35
 - (b) by the substitution for subsection (7) of the following subsection:
“(7) The **[Board] Authority** may not delegate any power or function
referred to in section 9[(h),] (o), (p) **[and] or (s)**.”; and
 - (c) by the substitution for the word “Board”, wherever it appears, of the word 40
“Authority”.

Amendment of section 11 of Act 4 of 2008

11. Section 11 of the principal Act is amended by the substitution for subsection (3) of the following subsection:
- “(3) The **[remuneration] terms and conditions of service** of any person co-opted in terms of this section, **including the remuneration and allowances,** 45
if any, payable in terms of section 27 [will be determined by the Board] must be contained in a written agreement entered into for that purpose between the Authority and that person.”

Amendment of section 12 of Act 4 of 2008

12. Section 12 of the principal Act is amended by the substitution for subsection (1) 50
of the following subsection:

“(1) No **[member or]** employee of the Authority or member of the Board, including any co-opted person referred to in section 11(1) or 20(5), or any consultant employed by the **[Board]** Authority, may disclose any information that has come to that person’s knowledge by reason of his or her employment by the Authority or appointment to [,] or co-option on [or employment by] the Board or the Liquor Licensing Tribunal and which relates to the business or affairs of the **[Board]** Authority, an applicant for a licence or a licensee, save as set out in this section and section 36(3)(b) and (c).” 5

Amendment of section 14 of Act 4 of 2008

13. Section 14 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) **The Chairperson must ensure that [Minutes must be] minutes are kept of meetings of the Board [and must be retained at the offices of the Board].**”.

Substitution of heading to Chapter 3 of Act 4 of 2008 15

14. The following heading is substitution for the heading to Chapter 3 of the principal Act:

“**[WESTERN CAPE] LIQUOR LICENSING TRIBUNAL AND APPEAL TRIBUNAL**”.

Repeal of section 15 of Act 4 of 2008 20

15. Section 15 of the principal Act is repealed.

Amendment of section 17 of Act 4 of 2008

16. Section 17 of the principal Act is amended by the substitution for paragraph (h) of the following paragraph:

“(h) anyone who is not resident in the Province.”. 25

Amendment of section 18 of Act 4 of 2008

17. Section 18 of the principal Act is amended by the substitution for subsection (4) of the following subsection:

“(4) (a) A vacancy on the Liquor Licensing Tribunal must be filled by the appointment of another member by the Board in accordance with the relevant provision of section 16. 30

(b) Where applicable, a member so appointed holds office for the unexpired period of his or her predecessor’s term of office.”.

Amendment of section 19 of Act 4 of 2008

18. Section 19 of the principal Act is amended by the substitution for the word “and” after paragraph (e) of the word “or”. 35

Amendment of section 20 of Act 4 of 2008

19. Section 20 of the principal Act is amended—

(a) by the substitution for paragraph (d) of subsection (1) of the following paragraph: 40

“(d) any report **[submitted to] lodged with** it by a designated liquor officer, an inspector or a municipal official;”;

(b) by the substitution for subsection (7) of the following section:

“(7) The **[remuneration] terms and conditions of service** of any person co-opted in terms of subsection (5), including the remuneration and allowances, if any, payable in terms of section 27 [must be determined by the Board] must be contained in a written agreement entered into for that purpose between the Authority and that person.”;
and 45

- (c) by the insertion after subsection (4) of the following subsections:
- “(4A) The Liquor Licensing Tribunal must exercise its functions according to the provisions of this Act, impartially and without fear, favour or prejudice.
- (4B) The Board must maintain oversight over the administration of the Liquor Licensing Tribunal but may not revoke or alter any decision of the Tribunal taken in the exercise or performance of any of its powers or functions in terms of this section.
- (4C) The Presiding Officer must submit a report as prescribed on the activities of the Liquor Licensing Tribunal during a financial year to the Board within two months after the end of that financial year.”.

Amendment of section 25 of Act 4 of 2008

20. Section 25 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

- “(1) The Minister must, for such term as he or she may determine, appoint, on a part-time basis, a person with legal qualifications equivalent to those required for admission as an attorney, or an advocate of the High Court of South Africa, and with experience in the administration of justice, to act as an Appeal Tribunal to adjudicate upon appeals against or applications for the review of the decisions of the Liquor Licensing Tribunal in terms of this Act.”.

Amendment of section 26 of Act 4 of 2008

21. Section 26 of the principal Act is amended—

- (a) by the substitution in the section heading for the words “Board, Liquor Licensing Tribunal” of the word “Authority”;
- (b) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- “(a) a suitably qualified and experienced person as Chief Executive Officer for the purpose of assisting the [Board] Authority in the performance of all financial and administrative responsibilities of the [Board] Authority, the Liquor Licensing Tribunal and the Appeal Tribunal, and who is in respect thereof accountable to the Board; “;
- (c) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
- “(c) such other [staff] employees as may be necessary to enable the [Board, the Liquor Licensing Tribunal] Authority and the Appeal Tribunal to perform their functions.”;
- (d) by the substitution for subsection (2) of the following subsection:
- “(2) The [staff] employees of the [Board, Liquor Licensing Tribunal] Authority and Appeal Tribunal must—
- “(a) be appointed on such terms and conditions as the [Board] Authority may determine in consultation with the Minister and the Minister responsible for finance in the Province [and must be remunerated by the Board]; and
- (b) perform their functions and duties subject to the directions and control of the [Board] Authority.”;
- (e) by the substitution for subsection (3) of the following subsection:
- “(3) The [Board] Authority, in consultation with the Minister and the Minister responsible for finance in the Province—
- (a) must determine a human resources policy for the [Board, Liquor Licensing Tribunal,] Authority, the Appeal Tribunal and [its staff] their employees; and
- (b) must determine the remuneration of its [staff] employees, excluding those [members of staff] employees who have been seconded in terms of subsection (5).”;
- (f) by the substitution for subsection (4) of the following subsection:
- “(4) The Board must, upon the recommendation of the Chief Executive Officer, determine a code of conduct, applicable to all

[members of staff] employees of the [Board, Liquor Licensing Tribunal] Authority and the Appeal Tribunal to ensure—

- (a) compliance with applicable law;
- (b) the effective, efficient and economical use of the [Board's] funds and resources of the Authority; 5
- (c) the promotion and maintenance of a high standard of ethics;
- (d) the prevention of conflicts of interest;
- (e) the protection of confidential information held by the [Board, Liquor Licensing Tribunal] Authority and the Appeal Tribunal; and 10
- (f) professional, honest, impartial, fair, ethical and equitable service.”;
- (g) by the substitution for subsection (5) of the following subsection:
 - “(5) The [Board] Authority may utilise the services of persons seconded or transferred from the public service in accordance with the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994).”;
- (h) by the substitution for subsection (7) of the following subsection:
 - “(7) The Chief Executive Officer may refer to a meeting of the Board or Liquor Licensing Tribunal, as the case may be, any matter which falls within the powers and functions of the Board in terms of section 6A or the Authority in terms of section 9 or the Liquor Licensing Tribunal in terms of section 20.”; and 20
- (i) by the substitution for subsection (8) of the following subsection:
 - “(8) The Chief Executive Officer must ensure that [Minutes] minutes of proceedings of the Board, Liquor Licensing Tribunal and the Appeal Tribunal [must be kept and] are retained at the offices of the [Board] Authority and are available to any person for the purpose of perusing or copying, subject to the payment of the prescribed fee and the provisions of the Promotion of Access to Information Act, 2000 (Act 2 of 2000).”.

Substitution of section 27 of Act 4 of 2008

22. The following section is substituted for section 27 of the principal Act:

“Remuneration [of Chief Executive Officer, members of Board, Liquor Licensing Tribunal and Appeal Tribunal]

27. (1) The [Chief Executive Officer,] members of the Board and Liquor Licensing Tribunal, [and] the person appointed to act as the Appeal Tribunal and persons co-opted in terms of section 11(1) or 20(5) are entitled to receive reasonable remuneration and allowances as determined by the Minister, in consultation with the Minister responsible for finance in the Province. 35 40

(2) Subsection (1) does not apply to a person who is in the full-time service of the State.”.

Amendment of section 28 of Act 4 of 2008

23. Section 28 of the principal Act is amended by the substitution for the word “Board”, wherever it appears of the word “Authority”. 45

Amendment of section 29 of Act 4 of 2008

24. Section 29 of the principal Act is amended by the substitution for subsections (1) and (2) of the following subsections:

“(1) The Auditor-General must audit the financial statements of the [Board] Authority. 50

(2) The Board must submit a report on [its] the activities of the Authority during a financial year to the Minister for tabling in the Provincial Parliament within five months after the end of that financial year.”.

Amendment of section 30 of Act 4 of 2008

25. Section 30 of the principal Act is amended—
- (a) by the substitution for the word “Board”, wherever it appears, of the word “Authority”;
 - (b) by the substitution for paragraph (c) of subsection (2) of the following paragraph: 5
“(c) fees referred to in sections 26(8), 36(1)(e), 38, **[63(4),]** 64(1) and 65(9).”; and
 - (c) by the substitution for subsection (3) of the following subsection: 10
“(3) The fees referred to in section **[36(5)]** 37(4) (a)(i) and (b)(i) accrue to the municipality concerned.”.

Amendment of section 31 of Act 4 of 2008

26. Section 31 of the principal Act is amended—
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 15
“The **[Chief Executive Officer]** Authority must establish a fund for the purpose of—”;
 - (b) by the substitution for subsection (2) of the following subsection: 20
“(2) The **[Chief Executive Officer must, after consultation with the Board and]** Authority must, in consultation with the Minister, provide for the terms of reference for and administer the fund referred to in subsection (1).”; and
 - (c) by the substitution for subsection (3) of the following subsection: 25
“(3) The budget of the fund must be included within the budget of the **[Board]** Authority that must be submitted in accordance with the Public Finance Management Act, 1999.”; and
 - (d) by the substitution for subsection (4) of the following subsection: 30
“(4) The **[Chief Executive Officer must, in consultation with the Board, the Minister and the Minister responsible for finance in the Province,]** Authority must open an account for the fund in the name of the **[Board]** Authority with an institution registered as a bank in terms of the Banks Act, 1990 (Act 94 of 1990).”.

Amendment of section 36 of Act 4 of 2008

27. Section 36 of the principal Act is amended—
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 35
“An application for a licence of a category referred to in section 33(a) to (e) must be made to the **[Board]** Authority by **[submitting]** lodging on or before the prescribed date **[to]** with the **[Board]** Authority and the designated liquor officer in whose area of jurisdiction the proposed licensed premises are located—”; and
 - (b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words: 40
“By **[submitting]** lodging an application for a licence, the applicant consents that **[the Liquor Licensing Tribunal or]** any member of the Board or authorised employee of the [Board] Authority may—”; and 45
 - (c) by the substitution for paragraph (b) of subsection (3) of the following paragraph: 50
“(b) disclose any document or information **[submitted]** lodged as part of or together with an application to any person in connection with such hearing, investigation or enquiry; and”.

Amendment of section 37 of Act 4 of 2008

28. Section 37 of the principal Act is amended—
- (a) by the substitution in subsection (1) for the word “Board” of the word “Authority”; and 55

- (b) by the substitution in paragraph (a) of subsection (4) for the words preceding subparagraph (i) of the following words:
 “where section 36(1)(c) applies—”.

Substitution of section 38 of Act 4 of 2008

29. The following section is substituted for section 38 of the principal Act: 5

“Applications lying for inspection at [Board] Authority

38. The [Board] Authority must, within the prescribed period after an application referred to in section 36 has been lodged with it, enable the public to have access to, inspect or, upon payment of the prescribed fee, obtain a copy of the application and any documents lodged in connection therewith, at the offices of the [Board until the date upon which the application is considered by the Liquor Licensing Tribunal] Authority.”. 10

Amendment of section 39 of Act 4 of 2008

30. Section 39 of the principal Act is amended by the substitution for the word “Board”, wherever it appears, of the word “Authority”. 15

Amendment of section 40 of Act 4 of 2008

31. Section 40 of the principal Act is amended—
 (a) by the substitution for the word “Board”, wherever it appears, of the word “Authority”; and 20
 (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:
 “(b) any other document or article lodged with [it] him or her in connection with the application for a liquor licence.”.

Amendment of section 42 of Act 4 of 2008 25

32. Section 42 of the principal Act is amended by the substitution for subsection (7) of the following subsection:
 “(7) When the applicant complies with the conditions imposed by the Liquor Licensing Tribunal, the [Board] Authority must issue the licence as prescribed, subject to section 46.”. 30

Amendment of section 46 of Act 4 of 2008

33. Section 46 of the principal Act is amended by the substitution for the word “Board”, wherever it appears, of the word “Authority”.

Amendment of section 48 of Act 4 of 2008

34. Section 48 of the principal Act is amended by the substitution for paragraph (a) of subsection (4) of the following paragraph: 35
 “(a) an educational institution, other than a school as defined in section 1 of the South African Schools Act, 1996 (Act 84 of 1996);”.

Amendment of section 51 of Act 4 of 2008

35. Section 51 of the principal Act is amended— 40
 (a) by the substitution for subsection (1) of the following subsection:
 “(1) A licensee or a shareholder, member, trustee or partner of a company, close corporation, trust or partnership which is a licensee may not, without the prior written consent of the Presiding Officer, transfer a financial interest of more than 5%, but less than 100% in the licensed 45
 business to any other person.”;

- (b) by the substitution for subsection (2) of the following subsection:
 “(2) A licensee or a shareholder, member, trustee or partner contemplated in subsection (1) who wishes to transfer a financial interest of more than 5%, but less than 100% in the licensed business to any other person must apply [**in the prescribed manner,**] to the Presiding Officer for [**permission**] consent to do so by lodging with the Authority and the designated liquor officer in whose area of jurisdiction the licensed premises are located an application as prescribed.”;
- (c) by the deletion of subsection (4);
- (d) by the substitution for subsection (5) of the following subsection:
 “(5) The designated liquor officer must, within the prescribed period, lodge a report [**as required by subsection (4)**] with the Authority regarding the qualification and fitness of the person to whom the financial interest is intended to be transferred, and may include therein any other matter which the designated liquor officer may deem relevant to the application.”;
- (e) by the substitution for subsection (7) of the following subsection:
 “(7) A licensee may not let the licence to another person or allow another person to carry on business in terms of the licence: Provided that a licensee in respect of a licence which includes the right to micro-manufacture may apply to the Liquor Licensing Tribunal to let the licensed premises concerned or part thereof to another person for the purpose of micro-manufacturing by lodging with the [**Board**] Authority and the designated liquor officer in whose area of jurisdiction the licensed premises are located an application in the prescribed manner and form, and [**against**] upon payment of the prescribed fee.”;
- (f) by the insertion after subsection (7) of the following subsection:
 “(7A) The designated liquor officer must, within the prescribed period, lodge a report with the Authority regarding an application referred to in subsection (7), and may include therein any other matter which the designated liquor officer may deem relevant to the application.”.

Amendment of section 53 of Act 4 of 2008

36. Section 53 of the principal Act is amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
 “Except with the prior written consent of the Presiding Officer granted upon application to the Authority and the designated liquor officer in whose area of jurisdiction the licensed premises are located in the prescribed [**manner**] form and upon payment of the prescribed fee, a licensee may not—”;
- (b) by the insertion after subsection (2) of the following subsection:
 “(2A) The designated liquor officer must, within the prescribed period, lodge a report with the Authority regarding an application referred to in subsection (1), and may include therein any other matter which the designated liquor officer may deem relevant to the application.”; and
- (c) by the substitution for subsection (3) of the following subsection:
 “(3) A consent in terms of subsection (1)(a) must not be issued until the applicant, within the prescribed period, [**submits**] lodges proof to the satisfaction of the Presiding Officer that he or she has the right to alter the premises concerned for the purpose as contemplated in the application.”.

Amendment of section 54 of Act 4 of 2008

37. Section 54 of the principal Act is amended by the deletion of the proviso to subsection (2).

Amendment of section 59 of Act 4 of 2008

38. Section 59 of the principal Act is amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) A municipality may by bylaw determine different trading days and hours for licensed businesses selling liquor for consumption on the licensed premises and for those selling liquor for consumption off the licensed premises.”;

(b) by the deletion of subsection (2);

(c) by the substitution for paragraphs (a) and (b) of subsection (3) of the following paragraphs:

“(a) **[Subject to conditions imposed by the Liquor Licensing Tribunal in terms of subsection (1), if]** If [the] a municipality has not determined the trading days and hours for licensed businesses selling liquor for consumption off the licensed premises, a licensee of such a business may sell liquor on any day between 09:00 and 18:00, subject to conditions imposed by the Liquor Licensing Tribunal when granting a licence or after consideration of any matter referred to in section 20(1)(d) to (g).

(b) **[Subject to conditions imposed by the Liquor Licensing Tribunal in terms of subsection (1), if]** If [the] a municipality has not determined the trading days and hours for licensed businesses selling liquor for consumption on the licensed premises, a licensee of such a business may sell liquor on any day between 11:00 and 02:00 the next day, subject to conditions imposed by the Liquor Licensing Tribunal when granting a licence or after consideration of any matter referred to in section 20(1)(d) to (g).”;

(d) by the deletion of subsections (4), (5), (6) and (7); and

(e) by the substitution for subsection (8) of the following subsection:

“(8) Subject to section 89(10), a licensee who sells or supplies, or allows the consumption of, liquor on the licensed premises at a time when the sale of liquor is not permitted [by the licence] in terms of subsection (1) or (3), is guilty of an offence.”.

Amendment to section 63 of Act 4 of 2008

39. Section 63 of the principal Act is amended by the substitution for the word “Board”, wherever it appears, of the word “Authority”. 35

Amendment of section 64 of Act 4 of 2008

40. Section 64 of the principal Act is amended—

(a) by the substitution in subsection (1) for the words following on paragraph (e) of the following words:

“the licence is not capable of automatic renewal in terms of section 63, but may be renewed by the **[Board]** Authority upon application by the licensee in the prescribed manner and upon payment of the prescribed fee.”; and

(b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 45

“The **[Board]** Authority must, before 31 July of the year in which a renewal notice should be issued, serve a notice upon a licensee referred to in subsection (1)—”.

Amendment of section 65 of Act 4 of 2008

41. Section 65 of the principal Act is amended— 50

(a) by the substitution for subsection (1) of the following subsection:

“(1) A licensee who alienates the licensed business must, within thirty (30) days from the date of alienation, notify the **[Board]** Authority in writing and in the prescribed manner of the date and nature of alienation.”;

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- (b) by the substitution for subsection (2) of the following subsection:
“(2) Failure to notify the [**Board**] Authority of such alienation is an offence.”;
- (c) by the substitution for subsection (3) of the following subsection: 5
“(3) A person who [**has purchased**] acquires a licensed business [**may**] must apply to the Presiding Officer for consent to operate and conduct the licensed business pending the transfer of the licence to such person.”;
- (d) by the substitution for subsection (5) of the following subsection: 10
“(5) The Presiding Officer may grant consent authorising the [**purchaser of**] person who acquired the business to conduct the business for his or her own account for a specified period, which period may not be more than six months from the date on which consent was granted.”;
- (e) by the substitution for subsection (6) of the following subsection: 15
“(6) The Presiding Officer may at any time revoke or upon application by the [**purchaser**] person who acquired the business extend a consent granted in terms of subsection (5).”;
- (f) by the substitution for subsection (9) of the following subsection: 20
“(9) [**A**] The licensee referred to in subsection (1) [**may**] must apply for the transfer of the licence to another person by lodging with the [**Board**] Authority and the designated liquor officer in whose area of jurisdiction the licensed premises are located an application, in the prescribed manner and form, and upon payment of the prescribed fee.”;
- (g) by the deletion of subsection (10);
- (h) by the substitution for subsection (11) of the following subsection: 25
“(11) The designated liquor officer must, within the prescribed period, lodge a report [**as required by subsection (10)**] with the Authority regarding the qualification and fitness of the proposed licensee to hold the licence, and may include in such report any other matter which the designated liquor officer may deem relevant to the application.”; and 30
- (i) by the substitution for in subsections (15) and (17) for the word “Board”, wherever it appears, of the word “Authority”.

Amendment of section 66 of Act 4 of 2008

42. Section 66 of the principal Act is amended—

- (a) by the substitution for subsection (2) of the following subsection: 35
“(2) A licensee, excluding the holder of a temporary liquor licence and special event liquor licence, may at any time apply for the removal, whether permanently or temporarily, of the licence from the licensed premises concerned to any other premises situated in the Province by lodging with the Authority and the designated liquor officer in whose area of jurisdiction the licensed premises are currently located, and where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, also with that designated liquor officer, an application in the prescribed manner and form, and upon payment of the prescribed fee.”; 40 45
- (b) by the substitution for subsection (3) of the following subsection:
“(3) The designated liquor officer in whose area of jurisdiction the licensed premises are currently located must, within the prescribed period, lodge a report as prescribed with the Authority, and where the granting of the application will have the effect of removing the licence to the area of jurisdiction of another designated liquor officer, that designated liquor officer must also lodge a report as prescribed with the Authority.”; and 50
- (c) by the substitution in subsections (5), (6), (13) and (16) for the word “Board”, wherever it appears, of the word “Authority”. 55

Amendment of section 68 of Act 4 of 2008

43. Section 68 of the principle Act is amended by the deletion of subsections (5), (6) and (7).

Amendment of section 69 of Act 4 of 2008

44. Section 69 of the principal Act is amended—

(a) by the substitution for subsection (8) of the following subsection:

“(8) An inspector or designated liquor officer, as the case may be, receiving a statement in terms of subsection (7) must, within the prescribed period, **[submit]** lodge the compliance notice, the statement in terms of subsection (7) and any other document which he or she deems relevant, **[to]** with the Chief Executive Officer, who must decide whether or not the act or omission referred to subsection (2)(b) justified the issuing of the compliance notice.”; and

(b) by the substitution for subsection (10) of the following subsection:

“(10) The Chief Executive Officer may delegate the function referred to in subsection (9) to an employee of the **[Board] Authority**.”.

Amendment of section 71 of Act 4 of 2008

45. Section 71 of the principal Act is amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) proof is **[submitted]** lodged that the application and supporting affidavit have been served upon the licensee at least forty-eight (48) hours prior to the lodgement of the application; and”.

Amendment of section 73 of Act 4 of 2008

46. Section 73 of the principal Act is amended—

(a) by the substitution for subsection (4) of the following subsection:

“(4) The Board may appoint any person in the employ of the **[Board] Authority** as an inspector for the purpose of this Act.”; and

(b) by the substitution for subsection (5) of the following subsection:

“(5) The Commissioner must, when designating a liquor officer in terms of subsection (1), and the Board must, when appointing an inspector in terms of subsection (4), issue a certificate of appointment or designation signed by the Commissioner or the Chief Executive Officer on behalf of the **[Board] Authority**, as the case may be.”.

Amendment of section 76 of Act 4 of 2008

47. Section 76 of the principal Act is amended by the deletion of paragraphs (a) and (c).

Amendment of section 77 of Act 4 of 2008

48. Section 77 of the principal Act is amended—

(a) by the substitution for the words preceding paragraph (a) and paragraph (a) of the following words and paragraph:

“A person who, regarding an application, objection or representations in terms of this Act—

(a) **[submits]** lodges or provides information which he or she knows to be false or misleading, or which he or she does not know to be true, or **[submits]** lodges a forged document or one which purports to be but is not a true copy of the original;”;

(b) by the substitution for paragraph (c) of the following paragraph:

“(c) in response to a question by a designated liquor officer, an inspector, a peace officer, a municipal official or the Liquor Licensing Tribunal **[submits]** lodges or provides information which he or she knows to be false or misleading, or which he or she does not know to be true or **[submits]** lodges a forged document or one which purports to be, but is not, a true copy of the original.”.

Amendment of section 87 of Act 4 of 2008

49. Section 87 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

- “(1) A person who is charged with an offence referred to in—
 - (a) sections 32(3), 54(6), 55(3), 76(g) or 76(h) is liable on conviction to a fine not exceeding R1 000 000,00 or to imprisonment for a period not exceeding five years or to both such fine **[or]** and such period of imprisonment;
 - (b) section 49(7), 50(2), 51(9), 53(4), 58(3), 59(8), 76(e), 76(f), 76(i) or 81(4) is liable on conviction to a fine not exceeding R500 000,00 or to imprisonment for a period not exceeding two-and-a-half years or to both such fine **[or]** and such period of imprisonment;
 - (c) section 50(3), 57(3), 60(4), 65(2), 69(11), 76(b) **[76(c)]** or 82(1) is liable on conviction to a fine not exceeding R100 000,00 or to imprisonment for a period not exceeding six months or to both such fine **[or]** and such period of imprisonment; or
 - (d) section 23(13), 56(5), **[76(a),]** 76(d), 77, 78(1), 78(3), 79, 80(1) or 86(2) is liable on conviction to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding three months or to both such fine **[or]** and such period of imprisonment.”

Amendment of section 89 of Act 4 of 2008

50. Section 89 of the principal Act is amended—

- (a) by the substitution for subsection (1) of the following subsection:
 - “(1) (a) Notwithstanding the repeal of the Liquor Act, 1989 (Act 27 of 1989), by this Act, the previous Board continues to function until a date determined by the Minister by notice in the *Provincial Gazette*, which date may not be more than two weeks after all members of the Board have been appointed in terms of section 3.
 - (b) For the purposes of paragraph (a), the previous Board must function in accordance with the provisions of—
 - (i) this Act as if it were the Authority, the Board or the Liquor Licensing Tribunal, as the case may be; and
 - (ii) for the purposes of subsection (7), the laws referred to in that subsection.
- (b) by the insertion after subsection (1) of the following subsection:
 - “(1A) As soon as possible after the commencement of this Act the Minister must in consultation with the Minister responsible for finance in the Province—
 - (a) transfer the assets, rights, obligations and liabilities of the previous Board to the Authority; and
 - (b) subject to section 197 of the Labour Relations Act, 1995 (Act 66 of 1995) and the Public Service Act, 1994 (Proclamation 103 of 1994), transfer employees of the Provincial Government of the Western Cape who were employed at the previous Board at the time of the commencement of this Act to the Authority.”;
- (c) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:
 - “A licence of the kind listed hereunder which was in force immediately before the date of commencement of this Act and in respect of which the volume of liquor manufactured in the preceding twelve (12) months did not exceed the threshold limit prescribed in terms of section 4(10) of the Liquor Act, is deemed to be a licence for the micro-manufacture and sale of liquor for consumption off the licensed premises—”;
- (d) by the substitution in subsection (5) for the words preceding paragraph (a) of the following words:
 - “A licence of the kind listed hereunder which gives the holder thereof the right to sell liquor for consumption off the licensed premises, which has been converted in terms of the Liquor Act, and which was in force immediately before the date of commencement of this Act may on

application by the licensee to the Authority in the prescribed manner and form be converted to a licence for the sale of liquor for consumption off the licensed premises—”;

- (e) by the substitution for subsection (10) of the following subsection: 5
 “(10) Any licence issued prior to the commencement of this Act for premises on which liquor may be sold for consumption either on or off the licensed premises which authorises trading beyond the trading hours **[stated]** referred to in section 59**[(3)]** is after twelve (12) months from the date of commencement of this Act subject to section 59.”; and
- (f) by the substitution for subsection (13) of the following subsection: 10
 “(13) A licensee of premises licensed before the commencement of this Act and referred to in subsection (5) of section 49**[5]** must within twelve (12) months from the date of commencement of this Act comply with the conditions referred to in **[said subsections]** that subsection.”.

Amendment of section 91 of Act 4 of 2008 15

51. Section 91 of the principal Act is amended by the addition of the following subsection, the existing section becoming subsection (1):

- “(2) If the Premier determines different dates for the commencement of different provisions of this Act, a reference in a provision of this Act to the date of commencement of this Act must be construed as a reference to the date determined by the Premier for the commencement of that provision.” 20

Short title and commencement

52. This Act is called the Western Cape Liquor Amendment Act, 2009, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*. 25

EXPLANATORY MEMORANDUM

1. INTRODUCTION AND REASONS FOR THE BILL

The Western Cape Liquor Act, 2008 (Act 4 of 2008) (“the Act”), was assented to by the Premier on 25 November 2008. The provincial Minister for economic affairs in the Province then notified the national Minister of Trade and Industry thereof in terms of the provisions of the Liquor Act, 2003 (Act 59 of 2003), for the latter to consider whether the Act substantially met the criteria set out in item 2(2) of Schedule 1 (Transitional Provisions) of the Liquor Act, 2003. The Minister duly notified the provincial Minister that he was of the opinion that section 48(4)(a) of the Act — which provides that the Presiding Officer of the Liquor Licensing Tribunal may upon application by an educational institution grant a special event liquor licence for the sale of liquor for consumption on or off the premises — was inconsistent with Regulation 4(4) of the Regulations issued in terms of the Schools Act, 1996 (Act 84 of 1996). The said Regulation prohibits the possession or use of, amongst other things, alcohol by an educator, parent or learner, or any other person, during any school activity. The provincial Minister accordingly instructed that the Act be amended to remove the said inconsistency.

In the course of effecting the above-mentioned amendment, inputs were received from other stakeholders in liquor regulation in the Province, in particular the South African Police Service and the City of Cape Town, pursuant to which provisions to regulate anew the lodgement of certain applications and reports, and to clarify the competency of municipalities to determine trading days and hours for business selling liquor, were incorporated in this Amendment Bill.

In addition, the Bill includes a number of provisions relating to, amongst others, certain nomenclatures applicable to and the structure of the provincial liquor authority; delegations; remuneration and terms of conditions of service of certain functionaries; offences and further regulation of transitional provisions.

Lastly, the Bill seeks to effect certain textual changes and correct certain incorrect references in the Act.

2. AIMS AND OBJECTIVES OF CLAUSES

The aims and objectives of the various clauses are set out below.

Clause 1

This clause provides for the index to the Act to be amended, mainly to change the reference to the “Western Cape Liquor Board” to that of “Western Cape Liquor Authority”.

This is in accordance with the approach in terms whereof the “Board” is renamed to “Authority” and the “Board” is used to refer to the governing body of the Authority.

Clause 2

This clause provides the insertion of definitions of “Authority” and “previous Board”, the amendment of the definitions of “Board” and “Chairperson” and the substitution of the definitions of “licensed business” and “Liquor Licensing Tribunal” in accordance with the change in nomenclature.

Clause 3

This clause provides for the substitution of section 2 of the Act so as to reflect the change of the name and structure of the provincial liquor authority.

Clause 4

This clause provides for the substitution of section 4 of the Act, which no longer needs to include provisions relating to the eligibility of employees of the Board.

Clause 5

This clause provides for the amendment of section 5 of the Act by the deletion of the reference to “employee” or “employees”, as the case may be, since this clause no longer deals with employees, but only members of the Board.

Clause 6

This clause provides for the insertion of a new section, section 6A, in the Act. Effecting this amendment would further clarify the powers and functions of the Board in relation to the Liquor Licensing Tribunal.

Clause 7

This clause provides for a minor numbering correction to section 7 of the Act.

Clause 8

This clause provides for the term of a member of the Board who has been appointed to fill a vacancy caused by premature termination of membership, to be limited to the unexpired period of his or her predecessor's term of office.

Effecting this amendment would ensure better co-ordination of the terms of office of Board members appointed at different times.

Clauses 9 and 10

These clauses provide for the substitution for the word "Board", wherever appropriate in the said clauses, of the word "Authority", in accordance with the change in structure and nomenclature referred to before.

Clause 11

This clause provides for the substitution of section 11(3) of the Act in order to better determine the terms and conditions of service of co-opted persons.

Clause 12

This clause provides for the substitution of section 12(1) of the Act, essentially to align references to the Authority in accordance with the change in structure and nomenclature referred to before.

Clause 13

This clause provides for the substitution of section 14(1) of the Act, so as to remove the reference to minutes of the Board's meetings having to be retained, since this is dealt with in section 26(8) of the Act.

Clause 14

This clause provides for the substitution of the heading to Chapter 3 of the Act to reflect the deletion of the words "WESTERN CAPE".

Clause 15

This clause provides for the repeal of section 15 of the Act, since the establishment of the Liquor Licensing Tribunal is now provided for in section 2 of the Act.

Clause 16

This clause provides for the word "anyone" to replace the word "who" in section 17(h) of the Act, so as to align the wording of this paragraph with the preceding ones.

Clause 17

This clause provides for the substitution of section 18(4) so as to limit the term of a member of the Liquor Licensing Tribunal who has been appointed to fill a vacancy to the unexpired period of his or her predecessor's term of office.

Effecting this amendment would ensure better co-ordination of the terms of office of members of the Liquor Licensing Tribunal appointed at different times.

Clause 18

This clause provides for the word "and" to be replaced with "or" at the end of paragraph (e) of section 19.

Clause 19

This clause provides for a number of amendments to section 20 of the Act, so as to align terminology used in the Act ("lodged with" rather than "submitted to"); better determine the terms and conditions of service of persons co-opted to serve on the Liquor Licensing Tribunal and to clarify the role of the Board in relation to the said Tribunal.

Clause 20

This clause provides for the substitution of section 25(1) so as to make it clear that the appointment of the Appeal Tribunal is on a part-time basis.

Clause 21

This clause provides for the substitution of several subsections of section 26 of the Act to ensure that references to the “Authority” and “Board” are correct in accordance with the change in structure and nomenclature referred to before.

Clause 22

This clause provides for the substitution of section 27 of the Act in order to remove the reference to the Chief Executive Officer, whose remuneration is dealt with in section 26(3) of the Act.

Clause 23

This section provides for the substitution, in section 28 of the Act, for the word “Board”, wherever it appears, of the word “Authority”.

Clause 24

This clause provides for the substitution, in section 29 of the Act, for the word “Board” of the word “Authority”, and for subsequent changes.

Clause 25

This clause provides for the substitution, in section 30 of the Act, for the word “Board” of the word “Authority”, and for the correction of certain references to other sections of the Act.

Clause 26

This clause provides for the substitution of several subsections of section 31 of the Act, in order to remove the reference to “Chief Executive Officer” and replace it with “Authority”.

Effecting this change would clarify the responsibility of the Authority in relation to the matters dealt in section 31.

Clause 27

This clause provides for the substitution, in section 36 of the Act, for the word “Board” of the word “Authority”, where applicable and the for the words “submitted” or “submitting” of the word “lodged” or “lodging”, as the case may be.

Clauses 28 to 33

These clauses provide for the substitution, in sections 37 to 40, 42 and 46 of the Act, for the word “Board”, wherever it appears, of the word “Authority”, and for subsequent changes, as applicable.

Clause 34

This clause provides for the substitution for section 48(4)(a) so as to remove the reference to a school therein.

Effecting this change would prevent a special liquor licence from being granted to a school, and address the concern of the Minister of Trade and Industry in this regard.

Clause 35

This clause provides for the substitution, deletion and insertion of subsections of or into section 51 to provide for the applications contemplated in that section to lodged with both the Authority and the relevant designated liquor officer. In addition, it clarifies the content of the report the designated liquor officer is required to lodge in regard to such applications.

Effecting this amendment would ensure more efficient administration of the applications concerned, since the Authority would not first have to forward the applications to the designated liquor officer to enable him or her to compile and lodge the required report — he or she would have a copy of the application from the outset.

Clause 36

This clause provides for the substitution for and insertion of words or subsections, as the case may be, in section 53 for the same reasons as set out under clause 34 above.

Clause 37

This clause provides for the deletion of the proviso to section 54(2) of the Act, which is considered to be superfluous.

Clause 38

This clause provides for the substitution for and deletion of subsections of section 59 of the Act, as the case may be. These amendments relate to the determination of trading days and hours and seek to clarify the powers the Liquor Licensing Tribunal and municipalities in this regard.

Clauses 39 and 40

These clauses provide for the substitution, in sections 63 and 64 respectively, for the word “Board” of the word “Authority” wherever applicable.

Clause 41

This clause provides for the substitution, in section 65, of several subsections in relation to the words “Board” and “Authority”. In addition, the word “purchased” in subsection (3) is replaced with “acquired” to more accurately reflect type of transactions contemplated in the said provision, and provision is made for dual lodgement of the application concerned with both the Authority and the designated liquor officer concerned.

Clause 42

This clause provides for the substitution, in section 66, of subsections (2) and (3) in order to provide for dual lodgement of the application concerned, and with regard to the words “Board” and “Authority”.

Clause 43

This clause provides for the amendment of section 68 of the Act by the deletion of subsections (5), (6) and (7), which relate to the provision of the payment of security by a person who is aggrieved by a decision of the Liquor Licensing Authority.

Clause 44

This clause provides for the substitution, in section 69 of the Act, of subsections (8) and (10), with regard to the use of the words “submit” and “lodge”, and the reference to the “Authority”, rather than the “Board” respectively.

Clause 45

This clause provides for the amendment of section 71 of the Act to replace the word “submitted” with “lodged”.

Clause 46

This clause provides for the substitution, in section 73 of the Act, of subsections (4) and (5) in regard to the words “Board” and “Authority”.

Clause 47

This clause provides for the deletion, in section of 76 of the Act, of paragraphs (a) and (c).

Clause 48

This clause provides for the replacement, in section 77 of the Act, of the word “submits” with “lodges”.

Clause 49

This clause provides for the substitution, in section 87 of the Act, of subsection (1) in order to effect minor grammatical corrections and an incorrect reference.

Clause 50

This clause provides for the amendment of section 89(1) in regard to the provisions relating to the commencement of the Act, and of section 89(4), (10) and (13) of the Act in relation to transitional arrangements pertaining to specific types of licences.

Clause 51

This clause provides for the amendment of section 91 of the Act by the insertion of a new subsection relating to different commencement dates for different provisions of the Act.

Clause 52

This clause provides for the amended title of the Act and its promulgation.