

Chapter 313.
Liquor (Miscellaneous Provisions) Act 1973.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 313.

Liquor (Miscellaneous Provisions) Act 1973.

ARRANGEMENT OF SECTIONS.

1. Interpretation.
 - “liquor”
 - “the Liquor Licensing Commission”
 - “public place”
 - “road”
 - “vehicle”
 - “vessel”
2. Advertising of liquor.
3. Exemption from prohibition on advertising.
4. Restriction of drinking in public places.
5. Bringing liquor onto premises, etc., without the consent of the owner.
6. Drinking of liquor on moving vehicles.
 - “driver”
 - “driving licence”

INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Liquor (Miscellaneous Provisions) Act 1973,

Being an Act to make provision relating to intoxicating liquor to give effect to certain approved recommendations of the Commission of Inquiry into Alcoholic Drink, and for related purposes.

1. INTERPRETATION.

(1) In this Act, unless the contrary intention appears—

“**liquor**” means liquor within the meaning of the *Liquor (Licensing) Act 1963*;

“**the Liquor Licensing Commission**” means the Liquor Licensing Commission appointed under the *Liquor (Licensing) Act 1963*;

“**public place**” includes—

- (a) a place to which free access is permitted to members of the public with the express or tacit consent of the owner or occupier of the place; and
- (b) while members of the public are present or are permitted to have access to it—a place to which members of the public are admitted on payment of money; and
- (c) a market or market place to which members of the public are admitted, whether on payment of money or not; and
- (d) a road, bridge, footway, footpath, court, alley, passage or thoroughfare that members of the public are allowed to use, notwithstanding that it is on private property; and
- (e) an aerodrome, whether enclosed or otherwise; and
- (f) a passenger vessel or a boat carrying fare-paying passengers; and
- (g) a vehicle carrying fare-paying passengers; and

- (h) a school building, and any land or premises used in connection with a school; and
- (i) any other place that the Head of State, acting on advice, by notice in the National Gazette, declares to be a public place;

“**road**” includes a major highway, trunk road, urban road, feeder road or minor road within the meaning of the *Roads Maintenance Act 1971*;

“**vehicle**” includes any conveyance fitted with wheels or runners for the purpose of carrying persons or things;

“**vessel**” means a vessel when in the territorial waters of Papua New Guinea or lying in any place within the country, and includes a cabin on any such vessel.

(2) An advertisement, writing, notice, photograph, picture or other matter shall be deemed to be published for the purposes of this Act if it is—

- (a) inserted in a book, pamphlet, newspaper or other publication printed and published in the country; or
- (b) disseminated in the country by broadcasting or cinematograph; or
- (c) publicly exhibited—
 - (i) in, on, over or under any building, vehicle or place (whether or not a public place and whether on land or water); or
 - (ii) in the air,

in view of persons in a public place; or

- (d) contained in a document or article—
 - (i) gratuitously sent or delivered to any person; or
 - (ii) thrown or left on premises in the occupation of any person; or
- (e) printed or published in any other manner prohibited by the Minister by notice in the National Gazette.

2. ADVERTISING OF LIQUOR.

(1) In this section, “**liquor**” means, subject to Subsection (2), liquor other than ale, beer, porter, stout, cider or perry.

(2) The Head of State, acting on advice, may, by notice in the National Gazette, extend the operation of Subsection (1) so as to include ale, beer, porter, stout, cider and perry, or any of them, within the definition of “liquor” for the purposes of this section.

(3) Subject to this Act, a person who publishes or causes to be published an advertisement, statement, writing, notice, photograph, picture or other matter that is intended or likely—

- (a) to promote the sale or disposal of liquor; or
- (b) to increase the purchase, consumption or use of liquor; or
- (c) to induce any person or persons to purchase, consume or use any liquor,

whether in relation to liquor as a whole or to any particular type or brand of liquor, and whether by reason of its form, its substance or its manner of presentation, is guilty of an offence.

Penalty: A fine not exceeding K500.00 or imprisonment for a term not exceeding three months, or both.

(4) Subsection (3) does not apply to, or in relation to, any advertisement, statement, writing, notice, photograph, picture or other matter that—

- (a) the holder of a licence under the *Liquor (Licensing) Act 1963* may exhibit on—
 - (i) the premises in respect of which he is licensed; or
 - (ii) a vehicle of which he is the registered owner; or
- (b) is published by any person as, or as part of, an educational, scientific, medical or research treatise; or
- (c) is published by any person or organization approved by the Minister, by notice in the National Gazette, in conjunction with any campaign being carried out by the person or organization to discourage persons from purchasing, selling, consuming or otherwise using liquor.

3. EXEMPTION FROM PROHIBITION ON ADVERTISING.

The Head of State, acting on advice, may, by notice in the National Gazette, exempt—

- (a) a person or class of persons; or
- (b) an advertisement, statement, writing, notice, photograph, picture or any class of those things,

from the provisions of Section 2—

- (c) wholly or in part; and
- (d) absolutely or subject to such conditions as he specifies in the notice.

4. RESTRICTION OF DRINKING IN PUBLIC PLACES.

(1) The Minister may, by notice in the National Gazette, declare a public place to be a public place to which this section applies.

(2) A declaration under Subsection (1) may—

- (a) be of general application; and
- (b) specify the circumstances in which, and the hours during which, liquor may be consumed in the public place to which the notice applies; and

(c) be made subject to any conditions contained in the declaration.

(3) Subject to this section, a person who consumes liquor in—

(a) a public place to which this section applies; or

(b) a road,

is guilty of an offence.

Penalty: A fine not exceeding K20.00.

5. BRINGING LIQUOR ONTO PREMISES, ETC., WITHOUT THE CONSENT OF THE OWNER.

(1) The owner or the person for the time being in charge of any vessel, vehicle, aircraft or place may direct a person who has carried, or attempted to carry, liquor into or onto the vessel, vehicle, aircraft or place to remove the liquor from the vessel, vehicle, aircraft or place.

(2) If a person refuses or fails to remove any liquor when directed under Subsection (1), the owner or the person for the time being in charge of the vessel, vehicle, aircraft or place may, by force and with such assistance as he thinks necessary, seize the liquor and, within a reasonable time after the seizure, hand it over to a commissioned officer of the Police Force.

(3) A person who, directly or indirectly, obstructs or hinders—

(a) the owner or person for the time being in charge of a vessel, vehicle, aircraft or place; or

(b) a person lawfully assisting the owner or person in charge,

in the execution of the powers conferred on him by Subsection (1) or (2) is guilty of an offence.

Penalty: A fine not exceeding K50.00 or imprisonment for a term not exceeding one month.

(4) Subject to Subsection (5), a commissioned officer of the Police Force who receives liquor under Subsection (2) shall, on demand from the person from whom the liquor was seized, deliver the liquor to him not sooner than 24 hours after it was seized.

(5) If a demand under Subsection (4) is not made within seven days after the liquor was received, the liquor is forfeited to the State and shall be dealt with as the Minister directs.

6. DRINKING OF LIQUOR ON MOVING VEHICLES.

¹(1) For the purposes of this Section—

¹ Section 6 replaced by No. 15 of 1979.

“**driver**”, in the case of a stationary vehicle, means the person who last drove the vehicle where that person is still in or near to the vehicle; and

“**driving licence**” means a licence to drive issued in pursuance of the *Motor Traffic Act 1950* and includes a learner’s permit.

(2) A person who drinks, or attempts to drink, liquor on a vehicle is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding one month.

(3) The driver of a vehicle who permits a person to drink liquor on his vehicle is guilty of an offence.

Penalty: Disqualification of driving licence and imprisonment for a term not exceeding three months.

Office of Legislative Counsel, PNG