
RACING, GAMING AND LIQUOR

RA301*

Liquor Control Act 1988

**Liquor Control Amendment Regulations
(No. 3) 2011**

Made by the Lieutenant-Governor and Administrator in Executive Council.

Part 1 — Preliminary**1. Citation**

These regulations are the *Liquor Control Amendment Regulations (No. 3) 2011*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Liquor Control Amendment Act 2010* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Liquor Control Regulations 1989*.

Part 2 — Amendments relating to managers**4. Regulation 3A amended**

In regulation 3A(1) insert in alphabetical order:

approved manager has the meaning given in section 102A;

manager's approval has the meaning given in section 102A;

5. Regulation 9E deleted

Delete regulation 9E.

6. Regulations 14ADA to 14ADG inserted

After regulation 14AC insert:

14ADA. Application for manager's approval — s. 102B

- (1) In this regulation —
approval application means an application for a manager's approval under section 102B.
- (2) An approval application must be —
 - (a) made in the form approved by the Director; and
 - (b) supported by such other documentation or information as the Director may in a particular case require.
- (3) An approval application must be lodged at an Australia Post office or agency unless it is an approval application to which subregulation (4) applies.
- (4) An approval application by an approved restricted manager seeking approval as an approved unrestricted manager must be lodged —
 - (a) at an Australia Post office or agency; or
 - (b) by an electronic means acceptable to the Director.

14ADB. Conditions on manager's approval — s. 102C

- (1) The Director may impose a condition on a manager's approval —
 - (a) when the manager's approval is granted or renewed; or
 - (b) at any other time by giving notice in writing to the approved manager.
- (2) The Director may vary or remove a condition on a manager's approval at any time by giving notice in writing to the approved manager.
- (3) The Director may impose, vary or remove a condition on —
 - (a) the Director's own initiative; or
 - (b) the application of the approved manager.
- (4) Before the Director —
 - (a) imposes a condition under subregulation (1)(b); or
 - (b) varies a condition,

on the Director's own initiative, the Director must give the approved manager a reasonable opportunity to

make submissions concerning the proposed condition or variation.

- (5) A notice under subregulation (1)(b) or (2) takes effect on the day specified in it.

14ADC. Duration of manager's approval — s. 102D

- (1) A period of 5 years is prescribed for the purposes of section 102D(1)(b).
- (2) A duration of 5 years is prescribed for the purposes of section 102D(2).

14ADD. Renewal of manager's approval — s. 102E

- (1) In this regulation —
renewal application means an application for the renewal of a manager's approval under section 102E.
- (2) A renewal application must be —
 - (a) made in the form approved by the Director; and
 - (b) supported by such other documentation or information as the Director may in a particular case require.
- (3) A renewal application must be lodged —
 - (a) at an Australia Post office or agency; or
 - (b) by an electronic means acceptable to the Director.
- (4) Unless the Director otherwise determines, if —
 - (a) a renewal application has been made; and
 - (b) the Director has not, before the day on which the manager's approval is due to expire, determined the renewal application,

the applicant is to be taken to be an approved unrestricted manager or an approved restricted manager, as the case requires, until the Director determines the renewal application.

14ADE. Identification cards

- (1) The Director may issue an identification card to an approved manager.
- (2) An identification card —
 - (a) must be in the form approved by the Director; and
 - (b) may contain such information as the Director considers appropriate.

- (3) An authorised officer may direct a person to whom an identification card has been issued to produce the identification card —
 - (a) to the authorised officer immediately if the card is in the person's possession when the direction is given; or
 - (b) to an authorised officer or the officer in charge of a police station, within 48 hours after the direction is given, if the card is not in the person's possession when the direction is given.
- (4) A person who fails to comply with a direction given to the person under subregulation (3) commits an offence.
Penalty: a fine of \$2 000.

14ADF. Lost, stolen or destroyed identification cards

- (1) If the Director is satisfied, on an application in accordance with subregulation (2), that an identification card has been lost, stolen or destroyed, the Director may issue a replacement identification card.
- (2) An application for a replacement identification card must be —
 - (a) made in a form approved by the Director; and
 - (b) lodged —
 - (i) at an Australia Post office or agency; or
 - (ii) by an electronic means acceptable to the Director;and
 - (c) accompanied by the appropriate fee set out in Schedule 3.

14ADG. Transitioned approvals — Sch. 1B of Act

- (1) In this regulation —

commencement day has the meaning given in Schedule 1B clause 1 of the Act;

transitioned approval has the meaning given in Schedule 1B clause 3(1) of the Act.
- (2) The Director is not required to comply with regulation 14ADB(4) before imposing a condition on a transitioned approval if the condition is imposed within 3 months after the commencement day.
- (3) Despite section 102D(1)(b) and regulation 14ADC(1), a transitioned approval remains in force for —
 - (a) a period of 5 years after the commencement day; or

- (b) any longer period determined by the Director and specified in a notice in writing given to the holder of the transitioned approval,

unless before then it is revoked under section 102F.

- (4) Despite section 102D(2) and regulation 14ADC(2), the first renewal of a transitioned approval after the commencement day may be for a duration of 1, 3 or 5 years, as chosen by the applicant for renewal.

7. Regulation 14AD amended

In regulation 14AD(1) delete “an approved” and insert:

a

8. Regulation 18EB amended

- (1) In regulation 18EB(1)(g) delete “an approved” and insert:

a

- (2) In regulation 18EB(2):

- (a) in paragraph (da) delete “approved”;
 (b) in paragraph (f) delete “an approved” and insert:

a

9. Regulation 27 amended

- (1) In regulation 27(2) in the Table delete:

s. 100(4)

s. 100(6)

- (2) In regulation 27(3) in the Table insert in numerical order:

r. 14ADE(4)

10. Schedule 3 amended

Delete Schedule 3 item 9 and insert:

9.	Application for manager’s approval —		
	(a) lodged under r. 14ADA(3)	165	
	(b) lodged under r. 14ADA(4)(a)	55	
	(c) lodged under r. 14ADA(4)(b)	15	

10A.	Application for renewal of manager's approval (other than transitioned approval under r. 14ADG) —		
	(a) lodged under r. 14ADD(3)(a)	160	
	(b) lodged under r. 14ADD(3)(b)	120	
10B.	Application for renewal of manager's approval (transitioned approval under r. 14ADG) —		
	(a) for 1 year —		
	(i) lodged under r. 14ADD(3)(a)	70	
	(ii) lodged under r. 14ADD(3)(b)	30	
	(b) for 3 years —		
	(i) lodged under r. 14ADD(3)(a)	115	
	(ii) lodged under r. 14ADD(3)(b)	75	
	(c) for 5 years —		
	(i) lodged under r. 14ADD(3)(a)	160	
	(ii) lodged under r. 14ADD(3)(b)	120	
10C.	Application for replacement identification card —		
	(a) lodged under r. 14ADF(2)(b)(i)	50	
	(b) lodged under r. 14ADF(2)(b)(ii)	10	

Part 3 — Other amendments

11. Regulation 3 amended

Delete regulation 3(4) and insert:

- (4) Subregulation (3) does not apply to applications and accompanying documents that are lodged by an electronic means acceptable to the Director.

12. Regulation 10 amended

In regulation 10 delete “57(d)” and insert:

57(2)(d)

13. Regulation 18EBA inserted

After regulation 18EA insert:

18EBA. Prescribed persons — s. 115AC

For the purposes of the definition of *secure web page* paragraph (c) in section 115AC(1A), each of the following persons is prescribed —

- (a) an authorised officer;
- (b) a person appointed to assist the Director under section 14(1)(b).

14. Regulation 18F amended

In regulation 18F(2) delete “(c)(ii)” and insert:

(d)(i) and (ii)

15. Regulation 18H amended

In regulation 18H delete “sections 61A and 155(6)(a) are” and insert:

section 155(7) is

16. Regulation 26 amended

Delete regulation 26(3) and insert:

- (3) If a fee is payable under subregulation (1) or (2A) for or in respect of the lodgment of a document and the document is submitted for lodgment without payment of the fee, the document is taken not to have been lodged until the fee has been paid.
- (4) If —
 - (a) under the Act a person is required to lodge a document within a particular period of time (the *lodgment period*); and
 - (b) a fee (the *lodgment fee*) is payable under subregulation (1) or (2A) for or in respect of the lodgment of the document; and
 - (c) the document is submitted for lodgment after the expiry of the lodgment period,

then a late lodgment fee is payable in addition to the lodgment fee.

- (5) For the purposes of subregulation (4), the late lodgment fee is —
- (a) an amount equal to the lodgment fee, or \$115, whichever is the lesser amount, if the document is submitted for lodgment not later than one month after the expiry of the lodgment period; or
 - (b) an amount equal to 3 times the lodgment fee, if the document is submitted for lodgment more than one month after the expiry of the lodgment period.

17. Regulation 27 amended

- (1) In regulation 27(2) in the Table delete:

s. 102(4)
s. 119A(1)
s. 119A(2)

- (2) In regulation 27(2) in the Table insert in numerical order:

s. 101(3)
s. 110(4A)
s. 119(11)
s. 119A(4)
s. 119A(5)

18. Schedule 3 amended

- (1) Delete Schedule 3 item 8 and insert:

8.	Application for extended trading permit for a period of 21 days or less if the anticipated number of patrons is —		
	(a) up to 500	100	
	(b) between 501 and 1 000	205	
	(d) between 1 001 and 5 000	1 020	
	(e) between 5 001 and 10 000	2 040	
	(f) over 10 000	4 085	

(2) Delete Schedule 3 item 15(b) and insert:

	(b)	for a period of 21 days or less if the anticipated number of patrons is —		
	(i)	up to 500	100	
	(ii)	between 501 and 1 000	205	
	(iii)	between 1 001 and 5 000	1 020	
	(iv)	between 5 001 and 10 000	2 040	
	(v)	over 10 000	4 085	

(3) After Schedule 3 item 18 insert:

19A.	Application under section 115AD for review of decision to give notice	228	
19B.	Application under section 119A for approval to conduct non-liquor business on licensed premises	205	

By Command of the Lieutenant-Governor and Administrator,

R. KENNEDY, Clerk of the Executive Council.