
RACING, GAMING AND LIQUOR

RA301

Liquor Control Act 1988

Liquor Control Amendment Regulations 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Liquor Control Amendment Regulations 2017*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Liquor Control Regulations 1989*.

4. Regulation 3A amended

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

crowd controller has the meaning given in section 126C(1);

prescribed incident means an incident that is prescribed by regulation 18EB(1) for the purposes of section 116A(1);

5. Regulation 8 amended

(1) In regulation 8(1):

- (a) delete paragraph (h)(iii) and insert:
 - (iii) by a person who is an approved provider providing residential care, to a person who is accommodated in the residential facility where that residential care is provided;
- (b) in paragraph (ja) delete “or supply”;

- (c) after paragraph (ja) insert:
- (jb) the sale of liquor on a cruise ship in the course of a qualifying intra-State voyage to a qualifying person for consumption on board the cruise ship;
- (2) Delete regulation 8(2) and insert:
- (2) In subregulation (1)(h)(iii) —
approved provider has the meaning given in the *Aged Care Act 1997* (Commonwealth) Schedule 1 clause 1;
residential care has the meaning given in the *Aged Care Act 1997* (Commonwealth) section 41-3.
- (3) In regulation 8(3) delete “subregulation (1)(ja) —” and insert:
subregulation (1)(ja) and (jb) —
- (4) In regulation 8(3) delete the definition of *inter-State voyage* and *overseas voyage*.
- (5) In regulation 8(3) insert in alphabetical order:
- cruise ship* means a vessel that —
- (a) is suitable for deep water cruising; and
- (b) has a minimum capacity of 100 passenger berths;
- inter-State voyage* means a voyage between a port in the State and a port in another State or Territory, whether or not the vessel travels between 2 or more ports in the State in the course of the voyage;
- overseas voyage* has the meaning given in the *Navigation Act 2012* (Commonwealth) section 16;
- qualifying intra-State voyage* means a scheduled deep water voyage —
- (a) that is not an inter-State voyage or an overseas voyage; and
- (b) that continues over at least 1 night;
- qualifying person* means a fare-paying passenger or a crew member on a cruise ship who —
- (a) has attained 18 years of age; and
- (b) is not drunk.

6. Regulation 8D amended

- (1) In regulation 8D(1) delete the definitions of:

agricultural region

primary production

- (2) In regulation 8D(1) insert in alphabetical order:

liquor producer means a producer of liquor, whether or not a primary producer;

primary producer means a person who carries on a business of agriculture, pastoral pursuits, horticulture, grazing, dairy farming, beekeeping, orcharding, viticulture, silviculture or other similar farming activities;

- (3) In regulation 8D(2):

- (a) in paragraph (a) delete “market held in an agricultural region; and” and insert:

market; and

- (b) in paragraph (b) after “provided by” insert:

1 or more liquor producers or by

- (c) in paragraph (b) delete “2 or more producers of liquor; and” and insert:

1 or more liquor producers; and

- (d) in paragraph (c) delete “the producers for whose benefit” and insert:

a liquor producer by whom or for whose benefit

- (e) in paragraph (d)(ii) delete “2.5 L” and insert:

9 L

7. Regulation 9A amended

After regulation 9A(23) insert:

Online wine sales

- (24) A special facility licence may be granted for the purpose of allowing the online sale of wine from

premises specified in the special facility licence in sealed containers for consumption off the licensed premises.

- (25) A special facility licence may be granted for the purpose referred to in subregulation (24) only if the licence is subject to all of the following conditions —
- (a) the licensee may only sell wine produced by a holder of a producer's licence;
 - (b) the licensee may only sell wine in satisfaction of an order that is —
 - (i) placed through a website maintained by the licensee for the purpose; and
 - (ii) accepted by the licensee at the licensed premises;
 - (c) the licensee must dispatch the wine sold —
 - (i) from the licensed premises; or
 - (ii) from premises which are approved for the purposes of section 4(6) and which are not licensed premises in relation to any other licence;
 - (d) the licensee must dispatch the wine for delivery —
 - (i) at a delivery address nominated by the purchaser, to a person who is not a juvenile; or
 - (ii) at a post office, parcel depot or similar facility, to a person who is not a juvenile and who is either the purchaser or a person nominated by the purchaser to accept delivery of the wine;
 - (e) the licensee must arrange that, if the wine is delivered at a delivery address nominated by the purchaser, it is delivered —
 - (i) between 7 am and 7 pm on a day which is not ANZAC Day, Good Friday or Christmas day; or
 - (ii) before 12 noon on ANZAC day;
 - (f) the licensee must not invite or admit a purchaser or prospective purchaser of wine to the licensed premises or to any premises or place where the licensee stores wine intended for sale by the licensee under the special facility licence.

8. Regulation 14AD amended

- (1) In regulation 14AD(4) delete “successfully” and insert:
- successfully, within 6 months before being employed or engaged in that capacity,
- (2) After regulation 14AD(4) insert:
- (4A) A person employed or engaged as a crowd controller in respect of licenced premises (other than licensed premises under an occasional licence) on or after 1 July 2018 is required to complete successfully, within 4 weeks after being employed or engaged in that capacity, a course of training or an assessment, approved by the Director for the purposes of this subregulation, in responsible practices in the sale, supply and service of liquor.
- (4B) A person employed or engaged as a crowd controller in respect of licenced premises under an occasional licence, where the anticipated number of patrons is greater than 300, on or after 1 July 2018 is required to have completed successfully, within 6 months before being employed or engaged in that capacity, a course of training or an assessment, approved by the Director for the purposes of this subregulation, in responsible practices in the sale, supply and service of liquor.
- (4C) A person who completes a course of training or assessment approved for the purposes of subregulation (2), (3), (4), (4A) or (4B) is thereafter exempt from that subregulation.
- (3) In regulation 14AD(5) delete “subregulation (2), (3) or (4)” and insert:
- subregulation (2), (3), (4), (4A) or (4B)

9. Regulation 14AE amended

- (1) In regulation 14AE(1):
- (a) in paragraph (a) delete “regulation 14AD(2) or (3); and” and insert:
- regulation 14AD(2), (3) or (4A); and

- (b) delete “Penalty:” and insert:

Penalty for this subregulation:

- (2) In regulation 14AE(2):
(a) in paragraph (a) delete “regulation 14AD(4); and” and insert:

regulation 14AD(4) or (4B); and

- (b) delete “Penalty:” and insert:

Penalty for this subregulation:

10. Regulation 14AF deleted

Regulation 14AF is deleted.

11. Regulation 17A amended

In regulation 17A(j) delete “corner of Albany Highway and”.

12. Regulation 18EB amended

- (1) In regulation 18EB(2):
(a) delete “an incident” and insert:

a prescribed incident

- (b) delete paragraph (a) and insert:

(a) the name and address of the licensed premises at which the incident takes place;

- (2) Delete regulation 18EB(3).

13. Regulation 18EC inserted

After regulation 18EB insert:

18EC. Prescribed incidents involving physical force

- (1) This regulation applies to a prescribed incident that takes place at licensed premises, in the course of or in consequence of which a person is physically restrained, physically removed from the premises or physically prevented from entering the premises.

- (2) Where an incident to which this regulation applies takes place, the licensee must —
- (a) request each crowd controller who made physical contact with the person in the course of or in consequence of the incident to provide the licensee with an account of the incident; and
 - (b) prepare a written statement of the incident detailing —
 - (i) the reason the person was restrained, removed or prevented from entering; and
 - (ii) details of the manner in which the person was restrained, removed or prevented from entering; and
 - (iii) the name, address and crowd controller's licence number of each crowd controller who made physical contact with the person in the course of or in consequence of the incident;and
 - (c) invite each crowd controller named in the statement to confirm the accuracy of the statement; and
 - (d) add a note to the statement identifying those crowd controllers who have confirmed it and those who have not; and
 - (e) provide copies of the statement and the note to the crowd control agent by whom each of the crowd controllers is engaged.
- (3) For the purposes of section 116A(2), the following information is prescribed in relation to an incident to which this regulation applies —
- (a) a copy of the statement prepared in relation to the incident under subregulation (2)(b) and the note prepared under subregulation (2)(d); and
 - (b) a statement of the date and time when copies of the statement and note were provided to each crowd control agent under subregulation (2)(e).

R. KENNEDY, Clerk of the Executive Council.
