

RG301*

Liquor Licensing Act 1988

Liquor Licensing Amendment Regulations (No. 4) 2001

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Liquor Licensing Amendment Regulations (No. 4) 2001*.

2. Commencement

These regulations come into operation on the day on which section 5 of the *Liquor Licensing Amendment Act 2001* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Liquor Licensing Regulations 1989**.

[* Reprinted as at 7 January 2000.

For amendments to 5 December 2001 see 2000 Index to Legislation of Western Australia, Table 4, p. 198-9, and Gazette 6 and 17 July, 28 September and 2 October 2001.]

4. Regulation 9A replaced by regulations 9A to 9C

Regulation 9A is repealed and the following regulations are inserted instead —

“

9A. Purposes for which a special facility licence may be granted

Works canteen

- (1) A special facility licence may be granted for the purpose of allowing the sale of liquor at a works canteen, or at other premises specified in the licence, to workers and their guests.
- (2) A licence granted for this purpose may permit the sale of packaged liquor.
- (3) In subregulation (1) —

“**workers**” means the persons working on a project or for a business in relation to which a works canteen is provided;

“**works canteen**” means a canteen, located at or near the place where a project is being undertaken or a business carried on, catering for the needs of persons working on the project or for the business.

Theatre or cinema

- (4) A special facility licence may be granted for the purpose of allowing the sale of liquor at a theatre or cinema to persons attending a performance or film at the theatre or cinema.

Reception or function centre

- (5) A special facility licence may be granted for the purpose of allowing the sale of liquor at a reception or function centre (being premises primarily used as a venue for functions and receptions) to persons attending a reception or function at the centre.

Transport

- (6) A special facility licence may be granted for the purpose of allowing the sale of liquor —
- (a) at an airport, railway station, bus station or seaport; or
 - (b) on an aeroplane, train, bus, ship or vehicle, to passengers and their guests.

Tourism

- (7) A special facility licence may be granted for the purpose of allowing the sale of liquor to persons likely to be attracted to, or present at, a place that, in the opinion of the licensing authority, is or will become —
- (a) an attraction for tourists; or
 - (b) a facility that enhances the State's tourist industry.
- (8) A licence granted for this purpose may permit the sale of packaged liquor.
- (9) In subregulation (7) —
- “tourist”** means a person who is —
- (a) staying at a place that is at least 40 kilometres from his or her usual place of residence for a period of at least one night;
 - (b) intending to stay away from his or her usual place of residence for a period of less than 12 months;
 - (c) not in the course of travelling on a regular journey between his or her usual place of residence and his or her place of work or education; and
 - (d) travelling in the course of a holiday or for leisure, business, to visit friends or relatives or for any other reason.

Post secondary educational institution

- (10) A special facility licence may be granted for the purpose of allowing the sale of liquor at a post secondary educational institution to students and staff of the institution and their guests.

Sports arena

- (11) A special facility licence may be granted for the purpose of allowing the sale of liquor at a sports arena (being premises primarily used for playing and viewing sport) to persons playing or viewing sports, or attending any other event, at the arena.

Foodhall

- (12) A special facility licence may be granted for the purpose of allowing the sale of liquor at a foodhall to customers of the foodhall for consumption ancillary to a meal.

Catering

- (13) A special facility licence may be granted for the purpose of allowing the sale, by a caterer, of liquor supplied at premises at which the caterer has agreed to provide liquor (whether with or without food), for consumption by persons at that premises.

Bed and breakfast facility

- (14) A special facility licence may be granted for the purpose of allowing the sale of liquor at a bed and breakfast facility (being an accommodation facility that offers bed and breakfast facilities to guests) to persons staying at the facility.

Room service restaurant

- (15) A special facility licence may be granted for the purpose of allowing the sale, at or from a room service restaurant —
- (a) of liquor to customers at the restaurant for consumption ancillary to meals eaten in the restaurant; and
 - (b) of packaged liquor supplied from the restaurant as room service to the accommodation serviced by the restaurant, whether ancillary to a meal or not.
- (16) A special facility licence granted for the purpose referred to in subregulation (15) may also be granted for the additional purpose of allowing the sale at the room service restaurant of liquor other than ancillary to a meal if —
- (a) dining tables making up not more than 20% of the restaurant's seating capacity are set aside for the consumption of liquor other than ancillary to meals; and
 - (b) the liquor is sold for consumption at those tables.
- (17) In subregulations (15) and (16) —
- “room service restaurant”** means a restaurant that provides room service to persons residing or staying in residential accommodation on the same premises as the restaurant or adjacent premises (not being accommodation provided by the licensee).

Amusement venue

- (18) A special facility licence may be granted for the purpose of allowing the sale of liquor at an amusement venue (being premises the primary purpose of which is the playing and viewing of snooker, bowling, electronic games or other similar amusements) to patrons at the venue.

Interstate wine club

- (19) A special facility licence may be granted for the purpose of allowing an interstate liquor merchant to sell packaged liquor, sent from the State or Territory in which the merchant is licensed, to persons in Western Australia who are members of a wine club.
- (20) A licence granted for this purpose does not permit the sale of liquor other than packaged liquor.
- (21) In subregulation (19) —
“**interstate liquor merchant**” means a person who is authorised under the law of another State or of a Territory to sell packaged liquor by sending it to persons outside that State or Territory.

Auction

- (22) A special facility licence may be granted for the purpose of allowing the sale by auction of packaged liquor at premises specified in the licence.
- (23) A licence granted for this purpose does not permit the sale of liquor other than packaged liquor.

9B. Sale of packaged liquor

Unless otherwise provided in regulation 9A, a special facility licence —

- (a) permits the sale of liquor for consumption on the licensed premises; and
- (b) does not permit the sale of packaged liquor.

9C. Types of special facility licences that may be exempted

For the purposes of section 46(6) of the Act a special facility licence is a licence of a type prescribed if it is granted for a purpose described in one of the following regulations —

- (a) regulation 9A(1) — works canteen;
- (b) regulation 9A(6) — transport;
- (c) regulation 9A(11) — sports arena;
- (d) regulation 9A(12) — foodhall;

- (e) regulation 9A(13) — catering;
- (f) regulation 9A(14) — bed and breakfast facility;
- (g) regulation 9A(15) and (16) — room service restaurant;
- (h) regulation 9A(19) — interstate wine club;
- (i) regulation 9A(22) — auction.

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5. Schedule 1 amended

Schedule 1 is amended by deleting Form 2 and inserting the following form instead —

“

Form 2
Liquor Licensing Act 1988

[Section 68]

APPLICATION FOR LICENCE

(For a Club Licence use Form 3 and for
an Occasional Licence use Form 4 or 5)

To the Director of Liquor Licensing

Applicant's details

(If there are 2 or more applicants, give detail for each one)

Name _____

Address _____

Postcode _____

Address for service of documents _____

Postcode _____

Address for service of documents after application is determined _____

Postcode _____

Contact person _____

Phone No. _____ Mobile _____

Date of birth (If applicant is an individual) ___ / ___ / ___

Manager (if not the applicant)

Name _____

Address _____

Postcode _____

Place of Birth _____ Date of birth ___ / ___ / ___

Application details

Type of licence Hotel Hotel (Tavern) Hotel (Restricted)
 Cabaret Casino Liquor store
 Restaurant Producer's Wholesaler's
 Special facility

Premises to be licensed

Address _____

Postcode _____

Certificate of Title Volume _____ Folio _____

Trading name _____

Is the premises owned by the applicant? Yes No

If no, give details of owner and applicant's tenure

Name _____

Address _____

Postcode _____

Applicant's tenure Lease Other _____

Duration of lease/tenure _____

Is licence conditional on construction or completion of the premises? Yes No

Company details

(To be filled in if applicant is a company)

ACN number _____

Place of registration _____

Date of incorporation/registration ____/____/____

Directors and other officers

(Give details of all directors, company secretaries, executive officer and any other officers)

Name _____

Office _____

Address _____

_____ Postcode _____

Place of Birth _____ Date of birth ____/____/____

Name _____

Office _____

Address _____

_____ Postcode _____

Place of Birth _____ Date of birth ____/____/____

Name _____

Office _____

Address _____

_____ Postcode _____

Place of Birth _____ Date of birth ____/____/____

Name _____

Office _____

Address _____

_____ Postcode _____

Place of Birth _____ Date of birth ____/____/____

Shareholders

(To be filled in if applicant is a proprietary company. Give details of all shareholders)

Name _____

Address _____

_____ Postcode _____

Place of Birth _____ Date of birth ____/____/____

Name _____

Address _____

_____ Postcode _____

Place of Birth _____ Date of birth ____/____/____

Name _____

Address _____

_____ Postcode _____

Place of Birth _____ Date of birth ____/____/____

Name _____

Address _____

_____ Postcode _____

Place of Birth _____ Date of birth ____/____/____

TrustsWill the company hold the licence as a trustee? Yes NoIf the applicant is a proprietary company, does any shareholder hold the shares as a trustee? Yes No

If yes, give full details of the trust (including the name, address and date of birth of all beneficiaries)

Special conditions

Liquor store licence

Is approval sought for a sampling area? Yes No
 If yes, part of premises to be used as sampling area _____

Wholesaler's or producer's licence

Is approval sought for a sampling area? Yes No
 If yes, part of premises to be used as sampling area _____

Is approval sought to store liquor off the licensed premises? Yes No
 If yes, address of storage premises _____
 _____ Postcode _____

Special facility licence

Purpose for which licence is required (see *Liquor Licensing Regulations 1989*, r. 9A)

- Works canteen Theatre or cinema Reception or function centre
- Transport Tourism Post secondary educational institution
- Sports arena Foodhall Catering
- Bed and breakfast facility Room service restaurant
- Amusement venue Interstate wine club Auction

Trading hours sought

Monday _____ am/pm to _____ am/pm
 Tuesday _____ am/pm to _____ am/pm
 Wednesday _____ am/pm to _____ am/pm
 Thursday _____ am/pm to _____ am/pm
 Friday _____ am/pm to _____ am/pm
 Saturday _____ am/pm to _____ am/pm
 Sunday _____ am/pm to _____ am/pm

Is approval sought to sell liquor on —
 Christmas Day Christmas Day Anzac Day

Any special trading condition being sought _____

Extended trading permit

Is an extended trading permit sought? Yes No
 If yes, give details
 Purpose (see *Liquor Licensing Act 1988*, s. 60(4)) _____

Permit requested for —
 Part of the licensed premises. Give details _____

 Other area. Give details _____

Trading hours sought _____

Declaration

(Must be signed by all applicants)

The applicant declares that all the information in this form and in any supporting documents is true and correct and no relevant information has been omitted.

If applicant is a Company

The common seal of _____ }
 _____ }
 was affixed by authority }
 of the directors _____ }
 _____ }
 Date _____/_____/_____

Director Signature _____
 Name _____

Director Signature _____
 Name _____

If applicant is one or more individuals

Signature _____ Date ____/____/____

Witness Signature _____
Name _____

Signature _____ Date ____/____/____

Witness Signature _____
Name _____

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By Command of the Lieutenant-Governor and deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
