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Regulation 9A is repealed and the following regulations are inserted instead —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

5. **Schedule 1 amended**

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

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**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
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
Place of Birth Date of birth __/__/__
Name
Office
Address
Place of Birth Date of birth __/__/__
Name
Office
Address
Place of Birth Date of birth __/__/__

Shareholders
(To be filled in if applicant is a proprietary company. Give details of all shareholders)
Name
Address
Place of Birth Date of birth __/__/__
Name
Address
Place of Birth Date of birth __/__/__
Name
Address
Place of Birth Date of birth __/__/__

Trusts
Will the company hold the licence as a trustee? Yes No
If 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

#### 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  
- Tuesday  
  - am/pm to  
- Wednesday  
  - am/pm to  
- Thursday  
  - am/pm to  
- Friday  
  - am/pm to  
- Saturday  
  - am/pm to  
- Sunday  
  - am/pm to

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

#### 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

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If applicant is one or more individuals

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

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