
RACING, GAMING AND LIQUOR

RA301

Liquor Control Act 1988

**Liquor Control Amendment Regulations
(No. 3) 2018**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Liquor Control Amendment Regulations (No. 3) 2018*.

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) regulation 15(2) and (4) — immediately after the *Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2018* regulation 13 comes into operation;
- (c) the rest of the regulations — when the *Liquor Control Amendment Act 2018* section 5 comes into operation.

3. Regulations amended

These regulations amend the *Liquor Control Regulations 1989*.

4. Regulation 3A amended

- (1) In regulation 3A(1) delete the definitions of:
anticipated number of patrons
maximum number of patrons

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

anticipated number of patrons means, in relation to an application for a permit or licence, or an application to vary a condition of a permit or licence, the sum of the maximum number of patrons for each day of the period to which the application relates;

maximum number of patrons means —

- (a) in relation to a day of the period to which an application for a permit or licence relates, the maximum number of patrons that the person making the application reasonably expects to be in the place or on the premises in respect of which the application is made at any one time on that day;
- (b) in relation to a day of the period to which an application to add or vary a condition of a permit or licence relates, the maximum number of patrons that the person making the application reasonably expects to be in the place or on the premises in respect of which the application is made at any one time on that day;
- (c) in relation to a day of the period for which an occasional licence is granted, the maximum number of patrons that the licensee reasonably expected (at the time that they applied for the licence) to be on the licensed premises at any one time on that day;

5. Regulation 5C inserted

After regulation 5B insert:

5C. Types of special facility licence prescribed (Act s. 4(6))

For the purposes of section 4(6) a special facility licence is of a prescribed type if —

- (a) it is granted for a purpose described in 1 of the following regulations —
 - (i) regulation 9A(7) — tourism;
 - (ii) regulation 9A(22) — auction;
 - (iii) regulation 9A(24) — online wine sales;or
- (b) it remains in force by operation of Schedule 1 clause 20 of the Act.

6. Regulation 9D amended

In regulation 9D(1) and (2) delete “anticipated number of patrons” and insert:

maximum number of patrons on any day of the period to which the application relates

7. Regulation 9EA inserted

After regulation 9E insert:

9EA. Kinds of licence prescribed (Act s. 38(1)(a))

For the purposes of section 38(1)(a), the following kinds of licence are prescribed —

- (a) a hotel licence;
- (b) a nightclub licence;
- (c) a casino liquor licence;
- (d) a liquor store licence.

8. Regulation 9F replaced

Delete regulation 9F and insert:

9F. Kinds of permit prescribed (Act s. 38(1)(b))

For the purposes of section 38(1)(b), an extended trading permit to be issued for the purpose referred to in section 60(4)(g) and for a specified period exceeding 3 weeks is prescribed.

9. Regulation 9G deleted

Delete regulation 9G.

10. Regulation 10B inserted

After regulation 10A insert:

10B. Days for making application prescribed (Act s. 64(1BA))

For the purposes of section 64(1BA), the prescribed number of days is —

- (a) if the condition as varied is proposed to have effect for a period not exceeding 21 days —
 - (i) if the anticipated number of patrons is not greater than 500 — 14 days; or

- (ii) if the anticipated number of patrons is greater than 500 but not greater than 5 000 — 30 days; or
 - (iii) if the anticipated number of patrons is greater than 5 000 — 60 days;
- or
- (b) if the condition as varied is proposed to have effect for a period exceeding 21 days, or if the condition is proposed to be varied permanently — 30 days.

11. Regulation 14AC amended

In regulation 14AC(1) delete the definitions of:

anticipated number of patrons

maximum number of patrons

permit area

12. Regulation 14AD amended

In regulation 14AD(4) and (4B) delete “anticipated number of patrons” and insert:

maximum number of patrons on any day of the period for which the licence is granted

13. Regulation 27 amended

- (1) Delete regulation 27(1).
- (2) In regulation 27(2) in the Table insert in numerical order:

s. 115(4B)

Note: The heading to amended regulation 27 is to read:

Prescribed offences for infringement notices (Act s. 167(2))

14. Schedule 1 amended

In Schedule 1 delete Forms 21 and 22.

15. Schedule 3 amended

- (1) In Schedule 3 in the Table item 2 after “removal of a” insert:

small bar licence,

- (2) In Schedule 3 in the Table item 2 before “club licence,” insert:

small bar licence,

- (3) In Schedule 3 in the Table items 8 and 18 delete “anticipated number of patrons” and insert:

maximum number of patrons on any day of the period to which the application relates

- (4) In Schedule 3 in the Table items 8 and 18 delete “anticipated number of patrons is —” and insert:

maximum number of patrons on any day of the period to which the application relates is —

M. INGLIS, Clerk of the Executive Council.
