Western Australia

Liquor Control Regulations 1989

Compare between:

[28 Oct 2008, 07-c0-02] and [08 Nov 2008, 07-d0-02]

Western Australia

Liquor Control Act 1988

Liquor Control Regulations 1989

1. Citation

These regulations may be cited as the *Liquor Control Regulations 1989* [1].

[Regulation 1 amended in Gazette 1 May 2007 p. 1864.]

2. Commencement

These regulations shall come into operation on the day on which the *Liquor Control Act 1988* [2] comes into operation [1].

3. Forms

(1) For the purposes respectively specified in the heading to those forms, a form set out in the manner specified in Schedule 1 shall be deemed to be in the prescribed form.

(2) Where particulars or matters are referred to in a form to be used under these regulations information as to those particulars and matters is required to be supplied, in accordance with the directions, if any, on that form, in so far as may be applicable to the particular case.

(3) All applications and accompanying documents, other than plans, shall be on paper of A4 size.

(4) An application for —

(a) the grant of a licence, other than an occasional licence; or

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(b) the transfer or removal of a licence,

shall, together with all accompanying documents other than plans, be lodged in triplicate.

3A. Terms used in these regulations

(1) In these regulations, unless the contrary intention appears —

anticipated number of persons attending, in relation to an occasional licence for an occasion or event lasting more than one day, is the anticipated number of persons attending the area that is the subject of the application for the licence, as determined in accordance with regulation 26(4);

notional wholesale selling price, in relation to wine that is low alcohol liquor sold by a wholesaler or producer, means the price for which the wholesaler or producer could reasonably have been expected to sell the wine by wholesale under an arm's length transaction and without the benefit of a subsidy under section 130;

producer has the meaning given in section 129;

tax period has the meaning given by section 195-1 of the Commonwealth *A New Tax System (Goods and Services Tax) Act 1999*;

vocational education and training institution means a college or other vocational education and training institution established under the *Vocational Education and Training Act 1996*;

WET has the meaning given to "wine tax" in section 33-1 of the Commonwealth *A New Tax System (Wine Equalisation Tax) Act 1999*;

wholesaler has the meaning given in section 129.

(2) In these regulations, unless the contrary intention appears, a reference to a section is to be taken to be a reference to a section of the Act.

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[Regulation 3A inserted in Gazette 30 Jan 1998 p. 561; amended in Gazette 22 May 1998 p. 2940; 28 Jul 2000 p. 4029; 28 Jun 2002 p. 3105-6; 10 Aug 2004 p. 3186; 1 May 2007 p. 1864 and 1888 .]

3AB. Mist of gas and liquid (containing ethanol) is "a kind" of liquor

For the purposes of paragraph (e) of the definition of "a kind" in section 3(1), a substance that regulation 4AB prescribes as being liquor is prescribed as being a kind of liquor.

[Regulation 3AB inserted in Gazette 11 Jan 2005 p. 98; amended in Gazette 1 May 2007 p. 1888.]

3AC. Liquid containing ethanol and sold in aerosol container is "a kind" of liquor

For the purposes of paragraph (e) of the definition of "a kind" in section 3(1), a substance that regulation 4AC prescribes as being liquor is prescribed as being a kind of liquor.

[Regulation 3AC inserted in Gazette 11 Jan 2005 p. 98; amended in Gazette 1 May 2007 p. 1888.]

4. "Low alcohol liquor" — prescribed level

For the purposes of the definition of "low alcohol liquor" in section 3(1), the prescribed concentration of ethanol in liquor is 3.5% at 20° C.

[Regulation 4 inserted in Gazette 22 May 1998 p. 2940; amended in Gazette 28 Jul 2000 p. 4029; 1 May 2007 p. 1888.]

4AA. "Liquor" — proportion of ethanol

For the purposes of paragraph (a) of the definition of "liquor" in section 3(1), 0.5% ethanol by volume is prescribed as the proportion of a beverage which at 20° C is liquor.

[Regulation 4AA inserted in Gazette 22 May 1998 p. 2940; amended in Gazette 6 Oct 1998 p. 5564; 1 May 2007 p. 1888.]

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4A. "Liquor" — alcohol based food essence is a prescribed substance

(1) The following substances are prescribed under paragraph (b) of the definition of "liquor" in section 3(1) as being liquor for the purposes of the Act —

(a) an alcohol based food essence that is sold by way of retail sale;

(b) an alcohol based novelty food item that is sold by way of retail sale.

(2) In subregulation (1) —

alcohol based food essence means a preparation of flavouring substance in liquid form with a concentration of ethanol exceeding 1.15% by volume in a container that has a volume exceeding —

(a) 100 millilitres, in the case of natural vanilla essence; or

(b) 50 millilitres, in any other case;

alcohol based novelty food item means a food item or ice confection which contains more than 0.5% ethanol by volume and is modelled on children's food stuff, including but not limited to, lollipops, ice-creams, or jellies;

retail sale has the meaning given in the *Retail Trading Hours Act 1987*.

[Regulation 4A inserted in Gazette 23 Sep 1994 p. 4901; amended in Gazette 30 Dec 1994 p. 7329; 26 Nov 1996 p. 6629; 30 Apr 1999 p. 1820-1.]

4AB. "Liquor" — mist of gas and liquid (containing ethanol) is a prescribed substance

For the purposes of paragraph (b) of the definition of "liquor" in section 3(1), a substance that is a mist made up of —

(a) a gas; and

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(b) droplets of a liquid that at 20° Celsius contains more than 0.5% ethanol by volume,

is prescribed as being liquor.

[Regulation 4AB inserted in Gazette 11 Jan 2005 p. 98-9; amended in Gazette 1 May 2007 p. 1888-9.]

4AC. "Liquor" — liquid containing ethanol and sold in aerosol container is a prescribed substance

For the purposes of paragraph (b) of the definition of "liquor" in section 3(1), a substance that —

(a) is sold in an aerosol container;

(b) is intended to be inhaled by humans; and

(c) at 20° Celsius contains more than 0.5% ethanol by volume,

is prescribed as being liquor.

[Regulation 4AC inserted in Gazette 11 Jan 2005 p. 99; amended in Gazette 1 May 2007 p. 1888-9.]

5. "Record" — section 3

(1) For the purposes of the interpretation of the expression "record" in section 3(1) the following sources of information are prescribed —

(a) in respect of any transaction involving the sale or purchase of liquor, the original, or a true copy, of any order form, invoice, delivery docket or advice, or other record or document which evidences the sale or purchase and which is supplied, or to be supplied, to or by the licensee;

(b) in respect of any transaction involving the sale or purchase of liquor, the original or a true copy of —

(i) any deposit slip or statement, lodged with or issued by a bank or other financial institution by

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or to the licensee, which records the deposit or withdrawal of moneys received or paid by the licensee in respect of the transaction;

(ii) any cheque butt or counterfoil of the licensee, indicating the name of the payee, a cheque number or other reference number, the amount paid by the cheque, and the date of the payment;

(iii) any document supplied to the licensee in relation to the movement of liquor to or from, or the storage of liquor in, premises which are —

(A) the subject of a warehouse licence under the *Customs Act 1901*; or

(B) an approved place under the *Excise Act 1901*,

of the Commonwealth;

(iv) any return or other document which the licensee is required to complete or submit pursuant to —

(A) the *Sales Tax Assessment Act (No. 1) 1930*;

(B) the *Customs Act 1901*; or

(C) the *Excise Act 1901*,

of the Commonwealth;

(v) any other journal, document or other record which evidences —

(A) the sale or purchase of liquor by the licensee;

(B) any other transaction involving liquor to which the licensee is a party; or

(C) the delivery, transport or other movement of liquor.

(2) For the purposes of this regulation, a reference —

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(a) to a ***sale***, shall be construed having regard to the interpretation of the expression "sell" in section 3(1) and to the requirement of section 145(1) that the record include transactions involving any other disposal of liquor; and

(b) to a ***purchase***, shall be construed having regard to the interpretation of the expression "sell" in section 3(1) and to the requirement of section 145(1) that the record include transactions involving any other acquisition of liquor.

[Regulation 5 amended in Gazette 30 Jan 1998 p. 562.]

5A. "Sample" — section 3(1)

For the purposes of the definition of "sample" in section 3(1) —

(a) the prescribed quantity of beer is 100 millilitres; and

(b) the prescribed quantity of wine is 50 millilitres; and

(c) the prescribed quantity of spirits is 15 millilitres.

[Regulation 5A amended in Gazette 1 May 2007 p. 1865.]

5B. Persons who occupy positions of authority in a body corporate — section 3(4)(d)

(1) This regulation has effect for the purposes of section 3(4)(d).

(2) A person occupies a position of authority in a body corporate that is a proprietary company (the ***relevant body corporate***) if the person is —

(a) an ultimate holding company (as defined in the Commonwealth *Corporations Act 2001* section 9) in relation to the relevant body corporate; or

(b) a director of the ultimate holding company; or

(c) if the ultimate holding company is a proprietary company, a director of or shareholder in the ultimate holding company.

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(3) A person occupies a position of authority in a body corporate that is a proprietary company (the ***relevant body corporate***) if —

(a) the person is —

(i) a director of a body corporate; or

(ii) a director of or shareholder in a body corporate that is a proprietary company;

and

(b) the body corporate referred to in paragraph (a)(i) or (ii) is a shareholder in the relevant body corporate.

(4) If —

(a) a person occupies a position of authority in a body corporate that is a proprietary company (the ***relevant body corporate***) —

(i) by the operation of this regulation (including by the operation of this subregulation); and

(ii) because the person is a shareholder in another body corporate;

and

(b) the person is a body corporate,

a person who is —

(c) a director of the body corporate referred to in paragraph (b); or

(d) if that body corporate is a proprietary company, a director of or shareholder in that body corporate,

occupies a position of authority in the relevant body corporate.

[Regulation 5B amended in Gazette 1 May 2007 p. 1865-6.]

*[**6.** Repealed in Gazette 1 May 2007 p. 1867.]*

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7. Approved courses

An educational course of instruction or training that includes as a required element the tasting, sampling or use of liquor is an approved course for the purposes of section 6(1)(c) if it is conducted —

(a) by a vocational education and training institution; or

(b) by a person approved in writing by the Director.

[Regulation 7 inserted in Gazette 16 May 1995 p. 1859; amended in Gazette 1 May 2007 p. 1867 and 1888-9.]

8. Exempt sales

(1) The following sales are exempted from the application of the Act —

(a) the sale of liquor in bond by the proprietor of premises which are the subject of a warehouse licence under the *Customs Act 1901* of the Commonwealth, to a person who proposes personally to take the liquor outside Australia;

(b) the sale of liquor on a train in the course of an interstate rail passenger service to or from Perth;

(c) the sale or supply of liquor together with flowers, a food parcel or a gift hamper to be delivered by the vendor or supplier as a gift to a person other than the purchaser, vendor or supplier, where —

(i) the quantity of liquor sold or supplied does not exceed 2 litres; and

(ii) that liquor was purchased by the vendor or supplier from the holder of a hotel licence or a liquor store licence;

(d) the sale or supply of liquor as a prize in a lottery conducted in accordance with the *Gaming and Wagering Commission Act 1987*;

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(e) the sale of liquor to the master of a ship as ships' stores for consumption on that ship outside the WA territorial seas;

[(f) deleted]

(g) the sale by a person, authorised in writing by the Director, of an alcohol based food essence, as defined in regulation 4A(2);

(h) the sale or supply of liquor —

(i) by a person who conducts or manages an approved nursing home, within the meaning of the *Hospitals and Health Services Act 1927*, to a person who is a patient and resident of the nursing home;

(ia) by a person who conducts or manages a hospital, within the meaning of the *Hospitals and Health Services Act 1927*, to a patient of that hospital;

(ii) by a person who conducts or manages an approved private psychiatric hostel, within the meaning of the *Hospitals and Health Services Act 1927*, to a person who is a resident of the private psychiatric hostel; or

(iii) by a person —

(I) who operates a hostel as; or

(II) who manages a hostel on behalf of,

an approved operator of hostels, to an aged person or disabled person who is a resident of the hostel;

(i) the sale of liquor on an aircraft in the course of a flight of the aircraft;

(j) the supply of liquor by a person who conducts, supervises or manages a bed and breakfast facility

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(being an accommodation facility that offers bed and breakfast) if —

(i) that supply of the liquor is to an adult recipient staying at the facility;

(ii) that supply of the liquor is at the facility;

(iii) that supply of the liquor is gratuitous;

(iv) that supply of the liquor does not exceed 1.5 litres in quantity, either by itself or in aggregate with any other liquor supplied gratuitously by that person to that recipient during the period for which that recipient stays at the facility;

(v) the liquor was purchased by that person from the holder of a licence to sell packaged liquor, except if the licence was a wholesaler's licence or a club licence; and

(vi) no more than 8 persons can stay at the facility at any one time.

(1a) In subregulation (1)(e) —

WA territorial seas means 12 nautical miles of sea off the coast of the State, measured from baselines determined in accordance with Part II Section 2 of the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982.

(2) In subregulation (1)(h)(iii), ***aged person***, ***approved operator***, ***disabled person*** and ***hostel*** each has the same meaning as it has in the *Aged or Disabled Persons Care Act 1954* of the Commonwealth.

(3) Despite the deletion of subregulation (1)(f) and (k) by the *Liquor Licensing Amendment Regulations 2007* regulation 9(1)(a), the exemption given by subregulation (1)(f) or (k) to, or in relation to, a college, school or other institution immediately before the commencement day continues to have effect until —

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(a) the college, school or other institution applies for the grant of a licence and the licence is granted or refused; or

(b) the expiry of 2 years after the commencement day,

whichever occurs first.

(4) In subregulation (3) —

commencement day means the day on which the *Liquor Licensing Amendment Regulations 2007* regulation 9 comes into operation.

[Regulation 8 amended in Gazette 21 Feb 1992 p. 933-4; 30 Dec 1994 p. 7330; 26 Nov 1996 p. 6629-30; 30 Jan 1998 p. 562; 28 Apr 1998 p. 2198; 22 May 1998 p. 2941; 30 Apr 1999 p. 1821; 6 Jul 2001 p. 3415; 28 Mar 2003 p. 983-4; 28 Oct 2003 p. 4528-9; 30 Jan 2004 p. 417; 9 Jul 2004 p. 2773; 19 Aug 2005 p. 3873-4; 1 May 2007 p. 1867-8.]

9. Persons who may take and administer oaths and affirmations

For the purposes of section 18(3)(c) the following persons are prescribed —

(a) the chairperson or deputy chairperson; and

[(b) deleted]

(c) the Director; and

(d) a court registrar who is a person authorised by the Director under section 15(1)(b) to determine applications for the grant of occasional licences or the issue of extended trading permits.

[Regulation 9 amended in Gazette 22 May 1998 p. 2941; 28 Sep 2007 p. 4928.]

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9AA. Prescribed distance outside country townsites — section 36A

For the purpose of section 36A(2)(b) a distance of 25 kilometres is prescribed.

[Regulation 9AA inserted in Gazette 29 Sep 2000 p. 5549; amended in Gazette 1 May 2007 p. 1888-9.]

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.

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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 a 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.

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Vocational education and training institution

(10) A special facility licence may be granted for the purpose of allowing the sale of liquor at a vocational education and training institution to students and staff of the institution and their guests.

Vocational education and training courses

(10a) A special facility licence may be granted for the purpose of allowing the sale or supply of liquor —

(a) by a vocational education and training institution for tasting by students for the purposes of a course of instruction or training conducted by the institution in which the students are enrolled; or

(b) by students enrolled in a course of instruction or training conducted by a vocational education and training institution, if the liquor is sold or supplied for the purposes of the course and ancillary to a meal.

(10b) A special facility licence may be granted for the purpose referred to in subregulation (10a) only if —

(a) any tasting of liquor by the students is to be supervised at all times and is to be assessed for the purposes of the course of instruction or training in which the students are enrolled; and

(b) the students are aged 16 years or older.

(10c) A special facility licence may be granted for the purpose of allowing the sale or supply by a vocational education and training institution of liquor produced as part of an approved viticulture course conducted by the institution.

(10d) A special facility licence may be granted for the purpose referred to in subregulation (10c) only if —

(a) the liquor is to be sold or supplied —

(i) during a special event; and

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(ii) in an area approved by the Director on the grounds of the vocational education and training institution; and

(iii) by persons aged 16 years or older;

and

(b) the amount of liquor to be sold or supplied is limited —

(i) for liquor supplied for consumption on the grounds of the vocational education and training institution — to the supply of free 30 millilitre samples for tasting purposes; or

(ii) for packaged liquor — to the provision of not more than 9 litres to any person and in any transaction.

(10e) In subregulations (10a), (10b), (10c) and (10d) and this subregulation —

approved viticulture course means a course that delivers units of competency from the Food Processing Industry Training Package (Wine Sector) leading to a qualification recognised under the Australian Qualifications Framework;

course of instruction or training means a course of instruction or training related to the hospitality industries;

special event means a graduation ceremony, speech night or annual open day that relates to a vocational education and training institution, or any other related event approved in writing by the Director;

vocational education and training institution includes a secondary school if the relevant course of instruction or training conducted by the school is “vocational education and training”, as defined in the *Vocational Education and Training Act 1996* section 5(1).

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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 at a function the sale, by a caterer, of liquor supplied at premises at which the caterer has agreed with the person organising the function to provide liquor (whether with or without food), for consumption by persons at that premises.

(13a) In subregulation (13) —

caterer means a person who —

(a) is in the business of providing food for consumption at functions; and

(b) prepares that food at food premises, as defined in section 246G of the *Health Act 1911*.

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) 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 —

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(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 may also be granted for the purpose of allowing the sale of liquor to customers at the room service restaurant, whether or not ancillary to meals eaten in the restaurant, if —

(a) the liquor is consumed at the restaurant —

(i) during hours that are permitted hours under a hotel licence; and

(ii) by customers while sitting at a table, or at a fixed structure used as a table;

and

(b) the sale and consumption of the liquor are in accordance with any conditions imposed on the special facility licence by the licensing authority.

(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.

[Heading deleted in Gazette 1 May 2007 p. 1871.]

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[(19)-(21) repealed]

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 may permit the supply of samples of the packaged liquor that is for auction, for tasting.

[Regulation 9A inserted in Gazette 4 Jan 2002 p. 8-11; amended in Gazette 28 Mar 2003 p. 984; 10 Oct 2003 p. 4406; 10 Aug 2004 p. 3186; 19 Aug 2005 p. 3874; 1 May 2007 p. 1868-71.]

9AB. Reviewable decisions by Director relating to applications for permits — section 25(5a)

For the purposes of section 25(5a), an extended trading permit to be issued for the purposes referred to in section 60(4)(g) and for a specified period exceeding 3 weeks is prescribed.

[Regulation 9AB inserted in Gazette 1 May 2007 p. 1871.]

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.

[Regulation 9B inserted in Gazette 4 Jan 2002 p. 11.]

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

For the purposes of section 46(6) 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;

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(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) deleted]

(i) regulation 9A(22) — auction.

[Regulation 9C inserted in Gazette 4 Jan 2002 p. 11-12; amended in Gazette 1 May 2007 p. 1871 and 1888-9.]

9D. Modification of section 33(6b) in respect of occasional licences

(1) For the purposes of a determination under section 33(6) in respect of an application for an occasional licence where the anticipated number of persons attending is greater than 250, section 33(6b) has effect, unless the Director otherwise determines, as if section 33(6b)(c) were deleted.

(2) For the purposes of a determination under section 33(6) in respect of an application for an occasional licence where the anticipated number of persons attending is not greater than 250, section 33(6b) does not have effect unless the Director otherwise determines.

[Regulation 9D inserted in Gazette 1 May 2007 p. 1871-2.]

9E. Modification of section 35B in respect of occasional licences

(1) In this regulation —

relevant purposes means the purposes of the approval of a person as a manager of premises that are the subject of an application for an occasional licence.

(2) Section 35B(1) has effect for the relevant purposes as if the references in that subsection to licensed premises were

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references to premises that are the subject of an application for an occasional licence.

(3) Section 35B(3) has effect for the relevant purposes, unless the Director otherwise determines —

(a) where the anticipated number of persons attending is greater than 250 — as if section 35B(3)(c)(i) were deleted; or

(b) where the anticipated number of persons attending is not greater than 250 — as if section 35B(3)(c) were deleted.

[Regulation 9E inserted in Gazette 1 May 2007 p. 1872.]

9F. Licensing authority to be satisfied that applications for certain permits are in the public interest — section 38(1)(b)

For the purposes of section 38(1)(b) —

(a) an extended trading permit to be issued for the purposes referred to in section 60(4)(ca) is prescribed; and

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

[Regulation 9F inserted in Gazette 1 May 2007 p. 1873.]

9G. Requirements for reciprocal arrangements for club membership — section 49(3)(c)(iv)

For the purposes of section 49(3)(c)(iv), the constitution or rules of a club (the ***host club***) may provide for membership of the host club by reason of reciprocal arrangements relating to the members of —

(a) another club in the State, but only if the principal objects of that other club are the same as, or include, the principal objects of the host club; or

(b) another club in another State or a Territory or New Zealand.

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[Regulation 9G inserted in Gazette 1 May 2007 p. 1873.]

10. Producer's licence — requirements to be met by applicant

For the purposes of section 57(d) the following requirements are prescribed —

(a) where the applicant does not have appropriate liquor producing facilities at the premises specified in the application, the applicant —

(i) has access to such facilities; and

(ii) is the sole occupier of a vineyard, orchard or apiary to which the application relates and which yields, or has the potential to yield, sufficient produce to enable the applicant to be regarded as a genuine producer of liquor;

or

(b) where the applicant has appropriate liquor producing facilities at premises specified in the application, and is, or will be, a genuine producer of liquor, then —

(i) those premises; or

(ii) if those premises are not in a convenient location for the sale of the liquor produced, other premises in reasonable proximity to the premises where the liquor is, or is to be, produced,

are suitable premises from which the applicant, as a producer of liquor, may sell the liquor produced.

[Regulation 10 inserted in Gazette 22 May 1998 p. 2942; amended in Gazette 1 May 2007 p. 1873 and 1888-9.]

10A. Producer's licence condition — blended wines

If the holder of a producer's licence produces wine by blending, it is a condition of that licence under section 55(2) that at least 50% of the wine produced is fermented by or under the direction of that person, so that the wine is uniquely that person's own produce.

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[Regulation 10A inserted in Gazette 22 May 1998 p. 2942; amended in Gazette 1 May 2007 p. 1888-9.]

11. Plans and specifications

(1) In this regulation —

bar means an area that contains a fixed structure at which liquor is, or is to be, served and consumed;

relevant lot means the area of land on which the relevant premises are, or are to be, situated;

relevant premises means the licensed premises, or proposed licensed premises, to which an application referred to in section 66 relates.

(1a) Subregulations (1b) to (1f) set out the requirements for plans for the purposes of section 66(4).

(1b) Floor plans are to be submitted in duplicate, drawn on paper of at least A3 size and to a scale of 1:100, of each level of each building forming part of the relevant premises, showing —

(a) the uses of each room; and

(b) the location of all doors, windows, servery hatches and toilets; and

(c) fit out details for all toilets; and

(d) the floor layout; and

(e) the location of all bars (but not details of any fittings and fixtures related to the bars); and

(f) any areas of the relevant premises that are not part of a building, identifying how the boundary of such areas is to be defined (for example, by means of fences, large planter boxes, special inlays in paving or copper log rails); and

(g) no details other than those that relate to the relevant premises.

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(1c) A site plan is to be submitted, drawn to a suitable scale according to the size of the relevant lot, showing —

(a) an outline of every building on the relevant lot; and

(b) the boundary of the relevant lot; and

(c) features on the relevant lot such as car parks, vehicle access to adjacent streets and swimming pools; and

(d) the name and location of any street forming part of the boundary of the relevant lot.

(1d) A map of the relevant district is to be submitted, showing the locality of the relevant premises.

(1e) A plan is to be submitted, drawn to a scale of 1:100, showing the external elevations of the relevant premises or, if the relevant premises comprise one or more existing buildings, photographs of the exterior of the relevant premises may be submitted instead of a plan of that kind.

(1f) A plan that is submitted for the purposes of an application under section 77(4) for the alteration or redefinition of licensed premises is to show those premises as they would be if the proposed alteration or redefinition had taken place, distinguishing the areas of the current licensed premises from the areas of the proposed alteration or redefinition.

(2) A plan referred to in this regulation shall be drawn —

(a) on good quality paper of at least A3 size, or be xerographic photocopies which are of the same size as the original within a tolerance of 5%; and

(b) so as to comply with Australian Standard 1100, Technical Drawing Part 101 — 1984 General Principles and Part 301 — 1985 Architectural Drawing of Standards Australia,

and shall show the date of preparation, the scale, the direction of north and the name of the person who prepared the plan.

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(3) For the purposes of section 66(5), specifications submitted with the plans to which they relate are to provide details of —

(a) the wall and ceiling finishes; and

(b) the fit out equipment in any bar, toilet or kitchen.

(4) Plans and specifications referred to in this regulation may be submitted by email, on a computer disk or by another means acceptable to the Director.

(5) An application under section 62(6), by the holder of a licence conditionally granted under section 62, to vary any plans or specifications the subject of a condition is to be accompanied by the appropriate fee set out in Schedule 3.

[Regulation 11 amended in Gazette 9 Jul 2004 p. 2778-9; 1 May 2007 p. 1874-6 and 1888-9.]

[12. *Repealed in Gazette 28 Sep 2007 p. 4928.]*

[12A-12D. *Omitted under the Reprints Act 1984 s. 7(4)(e).]*

13. Records — section 68(1)

(1) The records required to accompany a notice of application for the grant or transfer of a licence, other than an occasional licence, under section 68(1)(b) shall be in the form of a written statement and shall contain, in respect of each applicant, the details set out in the third column of Schedule 2 opposite the relevant category of applicant described in the second column of that Schedule.

(2) If the applicant is a body corporate the records referred to in subregulation (1) shall be verified under the seal of the body corporate.

[14. *Repealed in Gazette 28 Sep 2007 p. 4928.]*

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14A. Prescribed premises

Premises to which one of the following licences relates are prescribed for the purposes of section 77(5a)(b) —

(a) a casino liquor licence;

(b) a club licence;

(c) a hotel restricted licence.

[Regulation 14A inserted in Gazette 2 May 2008 p. 1704.]

14AB. Lodgement periods for applications for certain occasional licences — section 75(1)(b)

For the purposes of section 75(1)(b), an application for the grant of an occasional licence is to be lodged with the Director —

(a) if the anticipated number of persons attending is greater than 500 but not greater than 5 000 — not later than 30 days before the licence is to take effect; or

(b) if the anticipated number of persons attending is greater than 5 000 — not later than 60 days before the licence is to take effect.

[Regulation 14AB inserted in Gazette 1 May 2007 p. 1876-7.]

14AC. Lodgement periods for applications for certain permits — section 76(1)(b)

(1) This regulation applies to an extended trading permit to be issued for a specified period not exceeding 3 weeks and for the purposes referred to in section 60(4)(a), (cb), (f), (g) or (h).

(2) For the purposes of section 76(1)(b), an application for the issue of an extended trading permit of a kind to which this regulation applies is to be lodged with the Director —

(a) if the anticipated number of persons attending is greater than 500 but not greater than 5 000 — not later than 30 days before the permit is to take effect; or

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(b) if the anticipated number of persons attending is greater than 5 000 — not later than 60 days before the permit is to take effect.

(3) In subregulation (2) —

anticipated number of persons attending, in relation to an application for an extended trading permit, means the anticipated number of persons attending the place or premises to which the permit is to apply during the period for which the permit is to be issued, as calculated using the information provided in the application form.

[Regulation 14AC inserted in Gazette 1 May 2007 p. 1877.]

14AD. Responsible practices in selling, supply and serving liquor — section 103A(1)(a)

(1) This regulation does not apply to a person who is a licensee or an approved manager.

(2) A person employed or engaged in the performance of supervisory functions at licensed premises (other than licensed premises under an occasional licence) 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.

(3) A person employed or engaged in the service of liquor on or from licensed premises (other than licensed premises under an occasional licence) 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.

(4) A person employed or engaged in the service of liquor on or from licensed premises under an occasional licence, where the anticipated number of persons attending is greater than 300, is

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required to have completed successfully 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.

(5) If the Director determines that a person to whom subregulation (2), (3) or (4) would otherwise apply is exempt from that subregulation, that exemption has effect accordingly.

[Regulation 14AD inserted in Gazette 1 May 2007 p. 1878.]

14AE. Offences for regulation 14AD

(1) A person who —

(a) has failed to complete successfully a course of training or assessment as required by regulation 14AD(2) or (3); and

(b) continues to be employed or engaged in the capacity described in that subregulation after the end of the period referred to in that subregulation,

commits an offence.

Penalty: $2 000.

(2) A person who —

(a) has failed to complete successfully a course of training or an assessment as required by regulation 14AD(4); and

(b) is employed or engaged in the service of liquor on or from licensed premises under an occasional licence, where the number of persons attending is greater than 300,

commits an offence.

Penalty: $2 000.

(3) If a person is convicted of an offence under subregulation (1) or (2) in relation to licensed premises, the licensee is to be taken to have also committed an offence and is liable to a penalty of $5 000.

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(4) It is a defence to a charge of an offence by a licensee under subregulation (3) in relation to an offence by another person under subregulation (1) or (2) to prove that the licensee could not, by the exercise of reasonable diligence, have prevented the commission of the offence under subregulation (1) or (2).

[Regulation 14AE inserted in Gazette 1 May 2007 p. 1879; amended in Gazette 2 Oct 2007 p. 4974.]

14AF. Transitional arrangements for regulation 14AD

(1) A person who, immediately before the commencement of the *Liquor and Gaming Legislation Amendment Act 2006* section 71 [3], was employed or engaged in the capacity described in regulation 14AD(2) or (3) is not required to comply with that subregulation until the expiry of 12 months after that commencement.

(2) If, during the 12 months referred to in subregulation (1), a person to whom that subregulation applies ceases to be employed or engaged by the person by whom he or she was employed or engaged immediately before the commencement of the *Liquor and Gaming Legislation Amendment Act 2006* section 71 [3], subregulation (1) ceases to apply to that person.

[Regulation 14AF inserted in Gazette 1 May 2007 p. 1879-80.]

14AG. Licensees to maintain register — section 103A(1)(b)

(1) The licensee of licensed premises is required to maintain a register that records in respect of a person employed or engaged at those premises in the capacity described in regulation 14AD(2) or (3) who has successfully completed the required course of training or assessment —

(a) the name of the person; and

(b) the date the person began his or her employment or engagement at the licensed premises; and

(c) the name of the provider of the course of training or assessment; and

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(d) the State or Territory in which the person completed the course of training or assessment; and

(e) the date of any certificate or other qualification obtained by the person on the completion of the course of training or assessment.

(1a) A licensee who fails to maintain a register in accordance with subregulation (1) commits an offence.

Penalty: $5 000.

(2) The licensee is required to keep a copy of the certificate or other qualification referred to in subregulation (1)(e).

[Regulation 14AG inserted in Gazette 1 May 2007 p. 1880; amended in Gazette 28 Sep 2007 p. 4929.]

*[**15.** Repealed in Gazette 28 Sep 2007 p. 4929.]*

16. Liability of licensee — prescribed amount

For the purposes of section 107 a licensee is not liable to a lodger beyond the amount of $200 per item of property lost or damaged.

17. Notice to juveniles declaring out of bounds area

A notice for the purposes of section 121(6) shall —

[(a) deleted]

(b) be printed, on paper or durable material of at least A4 size, in bold-faced, upper case letters —

(i) in the heading, at least 20 millimetres in height; and

(ii) otherwise, at least 10 millimetres in height.

[Regulation 17 amended in Gazette 1 May 2007 p. 1881.]

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18. Regulated premises

For the purposes of section 122(1)(f) the following premises are deemed to be regulated premises —

(a) a theatre; or

(b) an educational institution, including any grounds surrounding that institution.

18A. Evidence of age

(1) A proof of age card issued under regulation 18B is a prescribed document for the purposes of section 126(1)(b)(i)(III).

(2) A person who is required to produce evidence of his or her age to an authorised officer, because the age of the person is or may be material to a suspected offence within the meaning of section 160(1), may comply with the requirement by producing a proof of age card issued to the person under regulation 18B.

[Regulation 18A inserted in Gazette 22 May 1998 p. 2943; amended in Gazette 1 May 2007 p. 1888-9.]

18B. Proof of age cards

(1) The Director may issue a proof of age card to a person if the person is at least 18 years old and applies to the Director in accordance with this regulation.

(2) An application for a proof of age card is to be made in a form approved by the Director and be accompanied by —

(a) such proof of the applicant's identity and residential address in this State as the Director may require; and

(b) the appropriate fee set out in Schedule 3.

(2a) Without limiting subregulation (2)(a), the Director may require an applicant for a proof of age card to provide 2 identical colour photographs (of the size required for a passport) of the applicant, taken within the 6 months immediately preceding the date of the application, with each photograph bearing the

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endorsement set out in subregulation (4) and the signature of the approved person who makes that endorsement.

(3) The applicant shall provide any other information or documents (which may include, for use on the proof of age card, a photograph of the applicant and an example of the applicant's signature in a medium specified by the Director) that the Director may require in relation to the application.

(3a) In subregulation (3) —

photograph includes a negative or an image stored electronically.

(3b) The Director is to ensure that any photograph or signature provided under subregulation (3) (including any image or reproduction stored electronically) is destroyed if the photograph or signature, or an image or reproduction of it, has not been used on a proof of age card issued within the period of 5 years after the photograph or signature was provided.

(3c) If a photograph of an applicant provided under subregulation (3) is required to be destroyed under subregulation (3b), any photograph of the applicant provided under subregulation (2) is also required to be destroyed.

(4) The endorsement referred to in subregulation (2a) shall be made by an approved person in the following words: "This is a true photograph of [*the full name of the applicant to be inserted here*].".

(5) In this regulation —

approved person means a person —

(a) who is not related by birth or marriage to the applicant: and is not in a de facto relationship with the applicant;

(b) who has known the applicant for at least one year; and

(c) who, under the *Oaths, Affidavits and Statutory Declarations Act 2005*, is an authorised witness for a statutory declaration.

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[Regulation 18B inserted in Gazette 3 Dec 1996 p. 6690; amended in Gazette 14 Nov 1997 p. 6446; 30 Jun 2003 p. 2612; 28 Sep 2007 p. 4929-30.]

18C. Form and content of proof of age cards

(1) A proof of age card issued to a person under regulation 18B —

(a) shall be in a form approved by the Director; and

(b) shall display a photograph of the person, the person's date of birth, the person's signature and any other matter that the Director may approve.

(2) In subregulation (1) —

photograph and ***signature*** include a reproduction, produced by any process approved by the Director, of a photograph or signature.

[Regulation 18C inserted in Gazette 3 Dec 1996 p. 6690-1.]

18D. Lost, stolen or destroyed proof of age cards

A person may obtain a replacement for a proof of age card that has been lost, stolen or destroyed, or that otherwise needs to be replaced, by applying to the Director in accordance with regulation 18B.

[Regulation 18D inserted in Gazette 3 Dec 1996 p. 6691.]

18E. Prescribed agreement or arrangement — section 104(2)

For the purposes of section 104(2), an agreement or arrangement entered into by a licensee which is a body corporate under which the proceeds from the business carried on under the licence are distributed by way of dividends to shareholders in the body corporate, is a prescribed agreement or arrangement.

[Regulation 18E inserted in Gazette 22 May 1998 p. 2943; amended in Gazette 1 May 2007 p. 1888-9.]

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18EA. Information to be included on internet websites of certain licensees — section 113A

(1) This regulation applies to —

(a) a hotel licence; and

(b) a liquor store licence; and

(c) a producer's licence; and

(d) a wholesaler's licence; and

(e) a special facility licence that authorises the sale or supply of packaged liquor.

(2) For the purposes of section 113A, the information to be included on an internet website maintained by or on behalf of a licensee of a licence of a class to which this regulation applies is —

(a) the licence number; and

(b) the class of licence; and

(c) the name of the licensee; and

(d) the address of and telephone number for the licensed premises; and

(e) the following notice —

> **WARNING**
>
> **Under the *Liquor Control Act 1988*, it is an offence:**
>
> - **to sell or supply liquor to a person under the age of 18 years on licensed or regulated premises; or**
> - **for a person under the age of 18 years to purchase, or attempt to purchase, liquor on licensed or regulated premises.**

(3) The information to be included on an internet website under subregulation (2) is to be displayed on the home page or front page of the internet website.

[Regulation 18EA inserted in Gazette 1 May 2007 p. 1881-2.]

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18EB. Incidents to be included in register — section 116A

(1) For the purposes of section 116A(1), the following incidents that take place at licensed premises are prescribed —

(a) a person is refused entry to, required to leave or removed from the premises;

(b) a juvenile or suspected juvenile fails to produce evidence of age when required to do so;

(c) a document produced by a juvenile or suspected juvenile as evidence of age is suspected to be forged, false or counterfeit;

(d) a person engages in indecent behaviour;

(e) a person is drunk;

(f) a person (including a person employed or engaged in the business conducted under the licence) is injured;

(g) a local resident or other person complains to the licensee, an approved manager or an employee about noise or any other matter related to the business conducted under the licence.

(2) For the purposes of section 116A(2), the following information is prescribed in relation to an incident that takes place at licensed premises —

(a) the name of the premises;

(b) details of the incident;

(c) the date and time when the incident took place;

(d) the location at the premises where the incident took place;

(da) the full name of any approved manager who was on duty when the incident took place;

(e) the full name of any person employed or engaged in the business conducted under the licence, or any crowd controller, who was present when the incident took place;

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(f) details of any action taken by the licensee, an approved manager or an employee in response to the incident, including any action taken to notify the licensing authority or a member of the Police Force or any other person engaged in providing emergency services.

(3) In subregulation (2)(e) —

crowd controller, in relation to licensed premises, means a person who —

(a) holds a crowd controller's licence; and

(b) is employed by a crowd control agent engaged under a contract for services by the licensee or occupier or a manager of the licensed premises to supply the services of crowd controllers at those premises.

[Regulation 18EB inserted in Gazette 1 May 2007 p. 1882-4; amended in Gazette 28 Sep 2007 p. 4930.]

18F. Prescribed training courses — section 121(11)(c)(ii)

(1) In subregulation (2), ***accredited***, ***course*** and ***skills training programme*** each has the same meaning as it has in the *Vocational Education and Training Act 1996* section 5(1).

(2) For the purposes of section 121(11)(c)(ii), an accredited course or an accredited skills training programme is a prescribed training course.

[Regulation 18F inserted in Gazette 1 May 2007 p. 1884.]

18G. Dealing with confiscated documents — section 126(2b)

For the purposes of section 126(2b), within 72 hours after a document is confiscated by an authorised person under section 126(2a), the authorised person is to —

(a) deliver the document to a police station; or

(b) return the document to the person from whom it was confiscated.

[Regulation 18G inserted in Gazette 1 May 2007 p. 1884.]

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18H. Provisions of the Act that may be modified under a special event notice — section 126E(4)

For the purposes of section 126E(4), sections 61A and 155(6)(a) are prescribed.

[Regulation 18H inserted in Gazette 1 May 2007 p. 1884.]

19. Application for a subsidy — Forms 19 and 19A

(1) Application for a subsidy is to be made to the Director —

(a) by a producer, in the form set out in Form 19 in Schedule 1; or

(b) by a wholesaler, in the form set out in Form 19A in Schedule 1.

(2) Application for a subsidy is to be made not later than 2 years after the sale or other disposal, in respect of which the subsidy is claimed, took place.

[Regulation 19 inserted in Gazette 30 Jan 1998 p. 562; amended in Gazette 22 Oct 2002 p. 5255.]

20. Extension of definition of "wholesaler"

The following persons are prescribed for the purposes of the definition of "wholesaler" in section 129 —

(a) a liquor merchant authorised under the law of another State or a Territory to sell liquor;

(b) the holder of a special facility licence the conditions of which authorise the sale of liquor in the manner set out in section 58(1).

[Regulation 20 inserted in Gazette 30 Jan 1998 p. 562; amended in Gazette 1 May 2007 p. 1888.]

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21. Subsidy for wholesalers

(1) For the purposes of section 130(3), the subsidy for a wholesaler in respect of sales of wine in a tax period is to be calculated as follows:

$$S = (6.18 \div 29)\ W$$

where —

S = the wholesaler's subsidy payment;

W = the total WET paid by the wholesaler on sales of wine that is low alcohol liquor in the tax period, in respect of which the wholesaler is eligible for a subsidy under subregulation (2).

(2) For the purposes of section 130(1), subsidies are payable to a liquor merchant prescribed as a wholesaler by regulation 20 only in respect of wine that is low alcohol liquor —

(a) sold to —

(i) unlicensed individuals in this State for their personal consumption; or

(ii) persons licensed under the Act, otherwise than by an occasional licence only, to sell liquor;

and

(b) sold at a price that —

[(i) deleted]

(ii) for wine, is at least 6.18% less than the notional wholesale selling price of that wine.

[Regulation 21 inserted in Gazette 28 Jul 2000 p. 4030; amended in Gazette 28 Jun 2002 p. 3106; 9 Jul 2004 p. 2774; 1 May 2007 p. 1888.]

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21A. Subsidy for producers of wine

(1) For the purposes of section 130(3), the subsidy for a producer of wine in respect of sales of wine in a tax period is to be calculated as follows:

$$S = (15 \div 29)\ W$$

where —

S= the producer's subsidy payment;

W= the total WET paid —

(a) by the producer on sales of wine in the tax period, in respect of which the producer is eligible for a subsidy under subregulation (2); or

(b) by a wine maker on wine sold to the producer in the tax period, being wine fermented using produce of the producer, in respect of which the producer is eligible for a subsidy under subregulation (2).

(2) For the purposes of section 130(1), subsidies are payable to a producer only in respect of —

(a) wine produced by the producer in this State and sold by the producer from licensed premises (including by mail order) to unlicensed individuals for their personal consumption, on which sale WET has been paid by the producer; or

(b) wine fermented by a wine maker from the produce of the producer in this State and sold by the wine maker to the producer, on which sale WET has been paid by the wine maker.

(3) In subregulation (2) —

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wine produced by a producer does not include wine that is deemed to have been produced by the producer under section 55(3).

[Regulation 21A inserted in Gazette 28 Jul 2000 p. 4030-1; amended in Gazette 9 Jul 2004 p. 2774; 1 May 2007 p. 1888-9.]

*[**21AB.** Repealed in Gazette 28 Jun 2002 p. 3106.]*

21AC. Subsidy only payable once in respect of a sale of liquor

A subsidy is only payable once in respect of a sale of liquor.

[Regulation 21AC inserted in Gazette 6 Oct 1998 p. 5565.]

21B. Conditions imposed by Director in respect of a subsidy

For the purposes of section 130(2), the Director may impose conditions by notice in writing given to the person on whom the condition is to be imposed.

[Regulation 21B inserted in Gazette 30 Jan 1998 p. 565; amended in Gazette 1 May 2007 p. 1888-9.]

21C. Licensees required to keep records — section 145(1)

The following licensees are prescribed for the purposes of section 145(1) —

(a) the holder of a wholesaler's licence;

(b) the holder of a special facility licence the conditions of which authorise the sale of liquor in the manner set out in section 55(1) or 58(1); and

(c) the holder of a producer's licence.

[Regulation 21C inserted in Gazette 30 Jan 1998 p. 565; amended in Gazette 22 May 1998 p. 2943; 6 Oct 1998 p. 5565; 1 May 2007 p. 1888-9.]

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22. Form and content of record under section 145

(1) The records to be made and maintained under section 145(1) and (1a) are to contain the following information —

(a) in the case of each transaction involving the sale of liquor by the holder of a special facility licence, a wholesaler's licence or a producer's licence to a liquor merchant —

(i) the name and, where applicable, licence number of the liquor merchant to whom liquor was sold;

(ii) the date of the invoice or credit note, and the date on which the goods were sent or returned;

(iii) the invoice or credit note number;

(iv) the total amount paid or payable to the licensee in respect of the transaction, with a separate statement of the amount for —

(A) low alcohol liquor;

(B) liquor other than low alcohol liquor;

(C) goods other than liquor;

(D) freight and delivery charges, where separate charges are made;

(E) any discount given;

(F) any liquor or other goods returned or not accepted by the liquor merchant; and

(G) each duty or charge which is payable in respect of the liquor but which is not otherwise included in an item in the invoice;

(b) in the case of each transaction involving the purchase or other acquisition of liquor by the holder of a licence —

(i) the name, address and licence number of the supplier;

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(ii) the date of the invoice or credit note, and the date on which the goods were received or returned;

(iii) the invoice or credit note number;

(iv) the method by which payment was made and, if by cheque, the cheque number and date;

(v) the amount paid or payable for low alcohol liquor;

(vi) the amount paid or payable for liquor other than low alcohol liquor; and

(vii) the amount paid or payable for any goods other than liquor;

(ba) in the case of each transaction involving the sale or other disposal of liquor by the holder of a producer's licence, a separate statement of the amount for —

(i) sales to persons other than liquor merchants (including sales made in any restaurant on the licensed premises);

(ii) mail order sales; and

(iii) tastings, promotions and donations,

and a separate statement is to be kept of the amount of liquor sold or otherwise disposed of as referred to in subparagraphs (i) and (ii) where, in respect of one sale or other disposal, the aggregate quantity sold or disposed of exceeds 45 litres; and

(c) in the case of transactions involving the sale or other disposal of liquor by the holder of a wholesaler's licence, special facility licence or a producer's licence otherwise than to liquor merchants — the weekly aggregate of the gross amounts paid or payable to the licensee in respect of such transactions.

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[(2) repealed]

[Regulation 22 amended in Gazette 30 Jan 1998 p. 565-6; 22 May 1998 p. 2943; 6 Oct 1998 p. 5565-6; 1 May 2007 p. 1888-9.]

23. Verification and lodgement of returns

(1) For the purposes of section 146(2)(c) returns required under section 146 shall be verified in accordance with subregulation (1a) as being an accurate and complete statement of the transactions or other matters to which the returns relate —

(a) by at least one licensee, where the licence is held by one or more licensees; or

(b) by the trustee, where the licence is held by a trustee on behalf of an unincorporated body of persons who are not joint holders of the licence.

(1a) A return is verified —

(a) by a natural person, where the return is signed by that person, and witnessed; and

(b) by a body corporate, by the affixing of the common seal of that body corporate.

(2) Returns required to be lodged under the Act shall be lodged at the office of the Director.

(2a) Returns to be lodged under the Act are to be lodged within one month after 30 June in each year and are to relate to the financial year ending on that date.

(3) Where a return required to be lodged under the Act —

(a) is not lodged as required under subregulation (2a);

(b) does not include the required information; or

(c) is otherwise incomplete or is not verified as required,

if a person who is required to lodge the return, or who is the director of a company required to lodge the return, fails to take

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all reasonable steps to comply with, or secure compliance with, or has knowingly been the cause of any default under, the provisions of the Act or these regulations, the person commits an offence.

Penalty: $1 000.

(4) Where, under section 71 of the *Interpretation Act 1984*, a person becomes liable to a penalty in respect of an offence constituted by a failure to do an act or thing required by the Act, this regulation or regulation 24 in relation to any return or information thereby required, the penalty applicable to each such offence is $100.

[Regulation 23 amended in Gazette 30 Jan 1998 p. 566; 22 May 1998 p. 2943; 6 Oct 1998 p. 5566.]

24. Prescribed information — returns

(1) Each person required to make a record under section 145 shall lodge a return with the Director containing the following information —

(a) in respect of each aggregate amount that is stated, the amount which relates to low alcohol liquor and the amount which relates to liquor other than low alcohol liquor;

(b) where the licensee is the holder of a special facility licence, a producer's licence or a wholesaler's licence, the aggregate amounts paid or payable to the licensee in respect of transactions involving the sale or other disposal of liquor —

(i) to liquor merchants who in the relevant period held or hold a licence under the Act;

(ii) to persons other than liquor merchants, including transactions involving the sale of liquor —

(A) to any person who held or holds only an occasional licence under the Act;

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(B) by auction in Western Australia;

(C) pursuant to an occasional licence held by the licensee;

(D) of a particular type to a person who held a licence under the Act but not a licence authorising the sale of liquor of that type; or

(E) to any person, sales of liquor by whom were or are not subject to the Act, or who was or is otherwise exempt from the application of the Act;

(iii) to liquor merchants not licensed under the Act;

(iv) to employees of the licensee; and

(v) to persons outside Australia;

(c) where the licensee is the holder of a producer's licence, a special facility licence or a wholesaler's licence, the name and address of each liquor merchant to whom liquor was sold or otherwise disposed of, and the gross amount paid or payable to the licensee in respect of each such sale or other disposal;

[(d) deleted]

(e) where the licensee is an auctioneer who sells liquor under an occasional licence, whether a person on whose behalf liquor was sold at auction, or who purchased liquor, was a liquor merchant and, if so, the name and class of any licence held by the liquor merchant;

(f) where the licensee is a body corporate —

(i) the full name and address of each person who occupied a position of authority in the body corporate, and a description of that position, on the last day of the financial year to which the return relates;

(ii) the registered office of the body corporate; and

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(iii) in the case of a proprietary company, the number of shares held by each shareholder, and whether any of those shares is held in trust for another person;

[(g)-(j) deleted]

(k) where the licence is held jointly by 2 or more persons, the full name and address of each such person, and of the person who was the manager of the business conducted under the licence, on the last day of the financial year to which the return relates;

(m) where the licence is held by one natural person, the full name and address of that person, and of the person who was the manager of the business conducted under the licence, on the last day of the financial year to which the return relates; and

(n) the name and address of the owner of the licensed premises.

(2) In this regulation, ***aggregate amount*** means the sum of the individual gross amounts paid or payable to or by the licensee (as the case may be) and, where the aggregate amount is to be advised in respect of different categories of transaction, the aggregate in respect of each such category.

[Regulation 24 amended in Gazette 30 Jan 1998 p. 566-7; 22 May 1998 p. 2943; 1 May 2007 p. 1888-9.]

25. Payment of moneys

(1) The Director may require in a particular case that moneys payable under the Act be paid by bank or other financial institution cheque or in cash.

(2) All moneys payable under the Act shall be payable —

(a) at the office of the Director; or

(b) at a place determined by the Director.

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[Regulation 25 amended in Gazette 24 Aug 1990 p. 4337; 30 Oct 1998 p. 6015; 1 May 2007 p. 1885.]

26. Fees generally

(1) Except as stated in subregulation (2A), the fees set out in column 3 of Schedule 3 are payable in respect of the corresponding matter set out in column 2 of that Schedule.

(1aa) If one or more extended trading permits have been issued in respect of the licensed premises, each of which is current and for a specified period exceeding 3 weeks, the licence fee payable under item 4 or 5 of Schedule 3 is the fee specified in that item and —

(a) if no more than 2 such permits have been issued — an additional amount of $100.00; or

(b) if 3 or more such permits have been issued — an additional amount of $200.00.

(1ab) In subregulation (1aa) —

current means current on the day not later than which the relevant licence fee is payable under subregulation (1a).

(1a) The licence fees specified in items 4 and 5 of Schedule 3, with any additional amount required under subregulation (1aa), are payable not later than 1 January in each year in respect of each licence in force.

(1b) A licensee who has not paid a licence fee payable under subregulation (1a) by 8 January in any year shall, in addition to the licence fee, pay to the Director a penalty of an amount equal to the fee.

(1c) Where a licensee has not paid a licence fee payable under subregulation (1a) by 15 January in any year, the Director may serve on the licensee a notice requiring payment of the fee, and any penalty under subregulation (1b), within 7 days after service of the notice and, if the requirement in the notice is not

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complied with, the Director may, whether or not a complaint is, or is to be, lodged under section 95 in respect of that non-payment, suspend the operation of the licence to which the fee relates until the amount outstanding is paid.

(1d) Where a licensee has not paid a licence fee payable under subregulation (1a) by 29 January in any year, the Director may serve on the licensee a notice requiring payment of the fee, and any penalty under subregulation (1b), within 7 days after service of the notice and, if the requirement in the notice is not complied with, the Director may, whether or not a complaint is, or is to be, lodged under section 95 in respect of that non-payment, cancel the licence to which the fee relates.

(2A) If a fee is set out in column 4 of Schedule 3 in respect of an item, that fee is payable instead of the corresponding fee set out in column 3 if the application to which the relevant item applies is lodged by an electronic means acceptable to the Director.

(2B) Subregulation (2A) does not limit the operation of subregulation (2).

(2) The Director may reduce, waive or refund, in whole or in part, any moneys due under this regulation.

(3) Where, under the Act, a person is required to lodge a document with the Director within a particular time and a fee is payable under subregulation (1) or (2A) for or in respect of the lodgement and the document is submitted for lodgement —

(a) without payment of the fee, the document shall be deemed not to have been lodged until the fee has been paid; and

(b) after the expiry of that time, in addition to the fee for lodgement prescribed there shall be payable a late lodgement fee —

(i) if the document is lodged not later than 1 month after the expiry of that time, of an amount equal

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to the fee for lodgement prescribed, or the amount of $115, whichever is the lesser; or

(ii) if the document is lodged more than 1 month after the expiry of that time, of an amount equal to 3 times the fee for lodgement prescribed.

(4) In calculating the fee for an application for an occasional licence for an occasion or event lasting more than one day, the anticipated number of persons attending the area that is the subject of the application is the sum of the number of persons expected to attend the area on each day, calculated using the information provided in the application form.

[Regulation 26 amended in Gazette 30 Jan 1998 p. 567-8; 21 Dec 1999 p. 6419; 28 Jul 2000 p. 4032; 1 May 2007 p. 1885 and 1888-9; 9 Oct 2007 p. 5352; 24 Oct 2008 p. 4683.]

27. Infringement notices

(1) For the purposes of section 167 —

(a) the notice to be given to a person under section 167(2) shall be in the form set out in Form 21 in Schedule 1;

(b) the description of the offence set out in the form is for convenience of reference only, and shall not be taken to alter or otherwise affect the nature or elements of the offence or the operation or these regulations, notwithstanding that the nature or any element of the offence in relation to which a notice is served may not be, or may not properly be, set out in the description; and

(c) the notice withdrawing an infringement notice under section 167(5) shall be in the form set out in Form 22 in Schedule 1.

(2) For the purposes of section 167(2)(a), an offence against a provision of the Act listed in the Table to this subregulation is a prescribed offence.

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Table

s. 37A	s. 119(1)
s. 51(2)	s. 119(2)
s. 51(4)	s. 119(4)
s. 65(1)	s. 119(5)
s. 77(1)	s. 119(7)
s. 100(2)	s. 119A(1)
s. 100(2a)	s. 119A(2)
s. 100(4)	s. 121(1)
s. 100(5)	s. 121(2)
s. 100(6)	s. 121(3)
s. 100(8)	s. 121(4) (where the alleged offender is the licensee or a juvenile)
s. 102(1)	s. 121(7)
s. 102(4)	s. 121(7a)
s. 103(3)	s. 121(9)
s. 104(1)	s. 121(10)
s. 106(1) (where the alleged offender is a lodger)	s. 122(2)
s. 106(3)	s. 122(3)
s. 108	s. 123(1)
s. 110(1)	s. 123(2)
s. 110(2)	s. 124
s. 110(3)	s. 126(2)
s. 110(4)	s. 126(4)
s. 110(5)	s. 126(5)
s. 110(7)	s. 126D(2)
s. 111(1)	s. 135(3)
s. 111(2)	s. 145(4)
s. 113A	s. 146(1)
s. 115(1)	s. 150(2)
s. 115(2)	s. 152L(1)

s. 115(5)	s. 152L(2)
s. 115(6)	s. 154(3)
s. 115(7)	s. 158(1)
s. 115A(2)	s. 159(1)
s. 116	s. 159(3)
s. 116A(1)	s. 160(4)
s. 116A(3)	s. 161(7)
s. 118(3)	

(3) For the purposes of section 167(2)(a), an offence against a provision of these regulations listed in the Table to this subregulation is a prescribed offence.

Table

r. 14AE(1)	r. 14AG(1a)
r. 14AE(2)	r. 23(3)
r. 14AE(3)	

(4) For the purposes of section 167(2)(a), an offence against the *Liquor Control (Wangkatjungka Restricted Area) Regulations 2008* regulation 7(1) is a prescribed offence.

(5) For the purposes of section 167(2)(a), an offence against the *Liquor Control (Oombulgurri Restricted Area) Regulations 2008* regulation 7(1) is a prescribed offence.

[Regulation 27 amended in Gazette 1 May 2007 p. 1886-7 and 1888-9; 28 Sep 2007 p. 4930; 22 Apr 2008 p. 1545; 7 Nov 2008 p. 4822.]

*[**28.** Repealed in Gazette 30 Jan 1998 p. 568.]*

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Schedule 1

[Regulation 3]

Forms

[Form 1-18 deleted in Gazette 1 May 2007 p. 1887.]

Form 19

Liquor Control Act 1988 [2]

[Regulation 19(1)]

Application Form for Liquor Subsidy
(WA Producers Only)

1. CLAIM FOR THE MONTH/PERIOD OF:	Month/Quarter	Year
2. AUSTRALIAN BUSINESS NUMBER:		
3. LIQUOR LICENCE NUMBER:		
4. NAME OF PREMISES:		
5. NAME OF LICENSEE:		
ADDRESS OF LICENSED PREMISES:		Postcode
6. AMOUNT OF SUBSIDY CLAIM:	(a) WET subsidy claimable for Cellar door sales to persons other than liquor merchants (including sales made in a restaurant on the licensed premises).	$
	(b) WET subsidy claimable for Mail Order Sales.	$
(a) + (b) + (c) = Total for this period	(c) WET subsidy claimable for Tastings, promotions and donations for which no charge has been made.	$
	TOTAL FOR THIS PERIOD:	$
7. ADJUSTMENTS (IF APPLICABLE):	(e) Amount overpaid/underpaid for the month of	$
	TOTAL AMOUNT CLAIMED:	$

Have your bank details changed? No ❒ Yes ❒ If **yes** please provide new bank details below:

BANK NAME: _____ BRANCH NAME: _____

BSB No. _____ ACCOUNT No: _____

8. DECLARATION: I, _____ certify that:
name of licensee

(a) I am the licensee of the above named premises;

(b) the claim I am making for liquor subsidy is complete, true and correct;

(c) the claim I am making is honestly based on my WET obligations;

(d) I have all the necessary records to provide information to substantiate my claim;

(e) I will provide information to substantiate my claim, if requested, at any time by the relevant authorities;

(f) I have prepared and issued invoices reflecting the liquor subsidy in accordance with requirements of the Australian Taxation Office; and

(g) my prices to my customers incorporate the amount of the subsidy.

WARNING
Penalties apply if you provide false or misleading information

WHERE THE LICENSEE IS A COMPANY:

The common seal of _____ was hereunto affixed by order of its Directors in accordance with its Articles of Association, in the presence of:

Common Seal

Name and Signature of Director(s)

_____ Date: ____ / ____ / ____ Ph No: _____

_____ Date: ____ / ____ / ____ Ph No: _____

WHERE THE LICENSEE IS ONE OR MORE INDIVIDUAL PERSONS:

Signature(s)

_____ Date: ____ / ____ / ____ Ph No: _____

_____ Date: ____ / ____ / ____ Ph No: _____

FOR OFFICE USE ONLY	**DATE RECEIVED:** ____ / ____ / ____	**AMOUNT PAYABLE: $**
	DATE PAID: ____ / ____ / ____	**PAYMENT DETAILS:**

[Form 19 inserted in Gazette 9 Jul 2004 p. 2774-5.]

Form 19A

Liquor Control Act 1988 [2]

[Regulation 19(1)]

Application for Liquor Subsidy — Low Alcohol
(WA Wholesalers/Beer Producers)

1. CLAIM FOR THE MONTH/PERIOD OF:	Month/Quarter	Year
2. AUSTRALIAN BUSINESS NUMBER:		
3. LIQUOR LICENCE NUMBER:		
4. NAME OF PREMISES:		
5. NAME OF LICENSEE:		
ADDRESS OF LICENSED PREMISES:		Postcode
6. AMOUNT OF SUBSIDY CLAIM:	Low Alcohol Beer	$
	Low Alcohol Wine	$
	TOTAL FOR THIS PERIOD:	$
7. ADJUSTMENTS (IF APPLICABLE):	Amount overpaid/underpaid for the month of	$
	TOTAL AMOUNT CLAIMED:	$

Have your bank details changed? No ❒ Yes ❒ If **yes** please provide new bank details below:

BANK NAME:		BRANCH NAME:	
BSB No.		ACCOUNT No:	

8. DECLARATION: I, _____ certify that:
name of licensee

(a) I am the licensee of the above named premises;

(b) the claim I am making for liquor subsidy is complete, true and correct;

(c) I have all the necessary records to provide information to substantiate my claim;

(d) I will provide information to substantiate my claim, if requested, at any time by the relevant authorities;

(e) I have prepared and issued invoices reflecting the liquor subsidy; and

(f) my prices to my customers incorporate the amount of the subsidy.

WARNING
Penalties apply if you provide false or misleading information

WHERE THE LICENSEE IS A COMPANY:

The common seal of _____ was hereunto affixed by order of its Directors in accordance with its Articles of Association, in the presence of:

Common Seal

Name and Signature of Director(s)

_____ Date: ____ / ____ / ____ Ph No: _____

_____ Date: ____ / ____ / ____ Ph No: _____

WHERE THE LICENSEE IS ONE OR MORE INDIVIDUAL PERSONS:

Signature(s)

_____ Date: ____ / ____ / ____ Ph No: _____

_____ Date: ____ / ____ / ____ Ph No: _____

FOR OFFICE USE ONLY	**DATE RECEIVED:** ____ / ____ / ____	**AMOUNT PAYABLE: $**
	DATE PAID: ____ / ____ / ____	**PAYMENT DETAILS:**

[Form 19A inserted in Gazette 9 Jul 2004 p. 2776-7.]

Form 20

Liquor Control Act 1988 [2]

[Section 161]

SEARCH WARRANT

Under section 161 of the *Liquor Control Act 1988* [2] I, [insert name of Justice of the Peace granting the warrant], of

.....

being a Justice of the Peace and being satisfied upon application by [insert name of applicant] that there is reason to suspect that [insert description of circumstances justifying issue of warrant] .....

.....

.....

.....

.....

.....

at [insert address of premises] .....

.....

hereby grant to [insert name and designation of authorised officer] .....

.....

this warrant empowering that person to enter those premises with such other persons as may be necessary to assist, using such force as may be necessary, and there to do any of the things referred to in section 161(1). This warrant continues to have effect until the purposes for which it was granted are satisfied.

Granted on the ..... day of ..... 20 .....

at .....

.....
Signature of Justice of the Peace granting the warrant

[Form 20 amended in Gazette 28 Sep 2007 p. 4930-1.]

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Form 21

Liquor Control Act 1988 **Infringement notice**		Notice No. Date of notice
Alleged offender	Name: Family name Given names Address _____ Postcode Date of birth Male / Female Driver's licence No. (if available)	
Alleged offence	Description of offence _____ *Liquor Control Act 1988* s. _____ *Liquor Control Regulations 1989* r. _____ Location where offence committed Name of premises (if applicable)_____ Address _____ Postcode Date / /20 Time a.m./p.m. Modified penalty $	
Officer issuing notice	Name Signature Station No.	
Notice to alleged offender	It is alleged that you have committed the above offence. If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice. **How to pay** **By post:** Send a cheque, money order or postal note and the 'Cashier's Copy' of this notice to: Director of Liquor Licensing PO Box 6119 East Perth WA 6892 **In person:** Take the 'Cashier's Copy' of this notice and pay the cashier at: Department of Racing, Gaming and Liquor 1st floor, Hyatt Centre 87 Adelaide Terrace, East Perth WA or at any Magistrates Court. **If you do not pay** the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act your driver's licence and/or vehicle	

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	licence may be suspended. **If you need more time** to pay the modified penalty, you can apply for an extension of time by writing to the Director of Liquor Licensing at the above postal address. **If you want this matter to be dealt with by prosecution in court**, sign the 'Cashier's Copy' of this notice here _____ and post it to the Director of Liquor Licensing at the above postal address within 28 days after the date of this notice.

[Form 21 inserted in Gazette 28 Sep 2007 p. 4931.]

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Form 22

Liquor Control Act 1988 **Withdrawal of infringement notice**		Withdrawal No.
		Date of withdrawal
Alleged offender	Name: Family name	
	Given names	
	Address _____	
	Postcode	
Infringement notice	Infringement notice No.	
	Date of issue / /20	
Alleged offence	Description of offence _____	
	Liquor Control Act 1988 s. _____ *Liquor Control Regulations 1989* r. _____	
	Location where offence committed Name of premises (if applicable)_____ Address _____	
	Postcode	
	Date / /20 Time a.m./p.m.	
Officer withdrawing notice	Director of Liquor Licensing	
	Signature	
Withdrawal of infringement notice *[*delete whichever is not applicable]*	The above infringement notice issued against you has been withdrawn. If you have already paid the modified penalty for the alleged offence you are entitled to a refund. * Your refund is enclosed. *or* * If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to: Director of Liquor Licensing PO Box 6119 East Perth WA 6892 Signature / /20	

[Form 22 inserted in Gazette 28 Sep 2007 p. 4932.]

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Schedule 2

[Regulation 13]

Details of applicant

Item	Category of applicant		Details to be provided
1.	Natural person	(a)	full name; and
		(b)	any other name used now or previously; and
		(c)	present residential address; and
		(d)	any other residential address in the past 5 years, including dates of each change of address; and
		(e)	date and place of birth; and
		(f)	citizenship; and
		(g)	if the applicant has a spouse or de facto partner who will assist in the conduct of business under the licence, the full name and date of birth of the spouse or de facto partner; and
		(h)	present occupation, and name and address of employer; and
		[(j)	*deleted]*
		(k)	licences relating to the sale of liquor held in the State or elsewhere, the name and address of premises to which any such licence relates or related and the period during which the licence is or was held; and
		(m)	any other involvement in the operation of licences relating to the sale of liquor in the State or elsewhere; and
		(n)	any position of authority held in a body corporate concerned with the proposed licence and a description of the position held; and
		(o)	the number and nature of any convictions of that person for offences in any jurisdiction; and

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Item	Category of applicant	Details to be provided
		(p) any proceedings relating to insolvency under administration, within the meaning of the *Corporations Act 2001* of the Commonwealth, in respect of the person or any such proceedings, or applications in respect of any such proceedings, pending in respect of the person; and
		(q) any external administration, within the meaning of the *Corporations Act 2001* of the Commonwealth, of any corporation of which the person is — (i) a director; or (ii) where the corporation is a proprietary company, a shareholder, or any such administration pending.
2.	Company	(a) full name, registered office and address for service of documents; and
		(b) date and place of incorporation, including a copy of the certificate of incorporation; and
		(c) any change of the company name during the past 2 years, including the date of any such change of name; and
		(d) a list of directors; and
		(e) in respect of each director, the details set out in item 1; and
		(f) in the case of a proprietary company — (i) the full name, residential address and date of birth of each shareholder who is a natural person; and (ii) the full name, date and place of incorporation of each shareholder that is a body corporate; and
		(g) any liquidation, receivership or official management in force or pending in respect of the company; and

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Item	Category of applicant		Details to be provided
		(h)	the full name, date and place of incorporation of any related body corporate, and the nature of the relationship; and
		(j)	in respect to any person sought to be approved as manager, the details set out in the third column of item 1.
3.	Club or other body of persons	(a)	full name and address for service of documents; and
		(b)	date and place of formation; and
		(c)	any change of name in the past 2 years; and
		(d)	if incorporated, the date and place of incorporation, including a copy of the certificate of incorporation; and
		(e)	the full name of, residential address of, and office held by, any trustee or office bearer and the date of that person's appointment or election as the case may be; and
		(f)	in respect of any person sought to be approved as manager, the details set out in the third column of item 1.

[Schedule 2 amended in Gazette 22 May 1998 p. 2944; 6 Oct 1998 p. 5567; 28 Sep 2001 p. 5357-8; 30 Jun 2003 p. 2612; 24 Oct 2008 p. 4683-4.]

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Schedule 3 — Fees

[r. 26(1) and (2A)]

[Heading inserted in Gazette 24 Oct 2008 p. 4684.]

Item	Description	Fee $	Electronic lodgment fee $
1.	Application for the grant or removal of a hotel licence, nightclub licence, casino liquor licence, special facility licence or liquor store licence	2 125.00	2 000.00
2.	Application for the grant or removal of a club licence, restaurant licence, producer's licence or wholesaler's licence	485.00	460.00
3.	Application for the transfer of a licence	485.00	
4.	Licence fee for all licences other than a wholesaler's licence	150.00	
5.	Licence fee for a wholesaler's licence	320.00	
6.	Application for an occasional licence where the anticipated number of persons attending* is —		
	(a) up to 250	35.00	
	(b) between 251 and 500	80.00	
	(c) between 501 and 1 000	140.00	
	(d) between 1 001 and 5 000	600.00	
	(e) between 5 001 and 10 000	1 210.00	
	(f) over 10 000	2 420.00	
	[*See regulation 26(4) as to the anticipated number of persons attending]		
7.	Application for extended trading permit for a period of over 21 days —		
	(a) issued for a purpose referred to in section 60(4)(ca)	360.00	340.00
	(b) issued for a purpose referred to in section 60(4)(h)	240.00	230.00
	(c) issued for any other purpose	655.00	620.00
8.	Application for extended trading permit for a period of 21 days or less (for each day, up to a maximum of $500)	65.00	
9.	Application for approval of manager (other than under club restricted licence), after licence is granted	75.00	
10.	Application for approval of manager under club restricted licence, after licence is granted	25.00	

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Item	Description	Fee $	Electronic lodgment fee $
11.	Application for approval of person in position of authority, after licence is granted	85.00	
12.	Application for approval for alteration or redefinition of licensed premises	300.00	285.00
13.	Application for a protection order under section 87(1)	75.00	
14.	Application for duplicate licence	30.00	
15.	Application for approval of change of name of licensed premises	65.00	
16.	Application to add, vary or cancel condition of licence or permit (other than club restricted licence)	75.00	70.00
17.	Application to add, vary or cancel condition of club restricted licence	30.00	
18.	On the issue of a list of licensed premises or a list of owners of licensed premises	75.00	
19.	On the issue of a list of licensed premises on computer disk	50.00	
20.	Address labels for licensed premises	115.00	
21.	Application for Proof of Age Card (r. 18B)	20.00	
22.	Supply of approved heading for advertising an application	25.00	
23.	Copy of plan — per sheet	20.00	
24.	Certified copy of plan defining licensed premises	30.00	
25.	Issue of a summons to a witness	15.00	
26.	Copy of a licence or a permit, or a decision of the Commission (or the former Liquor Licensing Court) or the Director	25.00	
27.	For the certification of a copy of a licence or permit or a decision of the Commission (or the former Liquor Licensing Court) or the Director — an additional fee of	20.00	
28.	For a search of records of licences — per licence	30.00	
29.	For a notice of application for approval of arrangement or agreement (s. 68(1)(b)(i))	65.00	
30.	For a copy of documentation, other than that already prescribed, per page	4.50	
31.	For a search of postcodes —		
	(a) 1 to 10 postcodes	30.00	
	(b) more than 10 postcodes	70.00	

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Item	Description	Fee $	Electronic lodgment fee $
32.	For a full search of the licence record	45.00	
33.	Application under section 62(6) to vary any plans or specifications the subject of a condition	230.00	220.00
34.	Application under section 126A for approval of entertainment for juveniles on licensed premises ...	55.00	

[Schedule 3 inserted in Gazette 24 Oct 2008 p. 4684-5.]

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Notes

[1] This is a compilation of the *Liquor Control Regulations 1989* and includes the amendments made by the other written laws referred to in the following table [1a]. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
Liquor Licensing Regulations 1989 [4]	27 Jan 1989 p. 209-61	1 Feb 1989 (see r. 2 and *Gazette* 27 Jan 1989 p. 263)
Liquor Licensing (Amendment) Regulations 1990	3 Aug 1990 p. 3791	3 Aug 1990
Liquor Licensing (Amendment) (No. 2) Regulations 1990	24 Aug 1990 p. 4337	24 Aug 1990
Liquor Licensing Amendment Regulations 1991 [5]	8 Nov 1991 p. 5768-9	8 Nov 1991
Liquor Licensing Amendment Regulations 1992	21 Feb 1992 p. 933-4	21 Feb 1992
Liquor Licensing Amendment Regulations (No. 2) 1992	20 Nov 1992 p. 5695	1 Jan 1993 (see r. 2)
Liquor Licensing Amendment Regulations 1994	23 Sep 1994 p. 4901	23 Sep 1994
Liquor Licensing Amendment Regulations (No. 2) 1994	30 Dec 1994 p. 7329-30	30 Dec 1994
Liquor Licensing Amendment Regulations 1995	16 May 1995 p. 1859	16 May 1995
Liquor Licensing Amendment Regulations 1996	26 Nov 1996 p. 6629-30	26 Nov 1996
Liquor Licensing Amendment Regulations (No. 2) 1996	3 Dec 1996 p. 6689-91	3 Dec 1996
Reprint of the *Liquor Licensing Regulations 1989* as at 8 Sep 1997 (includes amendments listed above)		
Liquor Licensing Amendment Regulations 1997	14 Nov 1997 p. 6446-8	1 Jan 1998 (see r. 2)
Liquor Licensing Amendment Regulations 1998	30 Jan 1998 p. 559-73 (correction 6 Feb 1998 p. 662)	31 Jan 1998 (see r. 2 and *Gazette* 30 Jan 1998 p. 577)

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Citation	Gazettal	Commencement
Liquor Licensing Amendment Regulations (No. 2) 1998	28 Apr 1998 p. 2198	28 Apr 1998
Liquor Licensing Amendment Regulations (No. 3) 1998	22 May 1998 p. 2940-4	23 May 1998 (see r. 2 and *Gazette* 22 May 1998 p. 2921)
Liquor Licensing Amendment Regulations (No. 4) 1998	6 Oct 1998 p. 5563-7	6 Oct 1998
Liquor Licensing Amendment Regulations (No. 5) 1998	30 Oct 1998 p. 6015	1 Dec 1998 (see r. 2)
Liquor Licensing Amendment Regulations 1999	30 Apr 1999 p. 1820-1	30 Apr 1999 (see r. 2)
Liquor Licensing Amendment Regulations (No. 2) 1999	31 Aug 1999 p. 4236-9	31 Aug 1999
Liquor Licensing Amendment Regulations (No. 3) 1999	21 Dec 1999 p. 6418-20	1 Jan 2000 (see r. 2)
Reprint of the *Liquor Licensing Regulations 1989* as at 7 Jan 2000 (includes amendments listed above)		
Liquor Licensing Amendment Regulations 2000	12 May 2000 p. 2286	1 Jul 2000 (see r. 2)
Liquor Licensing Amendment Regulations (No. 2) 2000	28 Jul 2000 p. 4029-32	28 Jul 2000
Liquor Licensing Amendment Regulations (No. 3) 2000	29 Sep 2000 p. 5549	30 Sep 2000 (see r. 2 and *Gazette* 29 Sep 2000 p. 5533)
Liquor Licensing Amendment Regulations 2001	6 Jul 2001 p. 3415	6 Jul 2001
Liquor Licensing Amendment Regulations (No. 2) 2001 [6]	17 Jul 2001 p. 3637-8	17 Jul 2001
Corporations (Consequential Amendments) Regulations 2001 Pt. 8	28 Sep 2001 p. 5353-8	15 Jul 2001 (see r. 2 and Cwlth *Gazette* 13 Jul 2001 No. S285)
Liquor Licensing Amendment Regulations (No. 3) 2001	2 Oct 2001 p. 5455-7	2 Oct 2001
Liquor Licensing Amendment Regulations (No. 4) 2001	4 Jan 2002 p. 7-15	7 Jan 2002 (see r. 2 and *Gazette* 4 Jan 2002 p. 3)
Reprint of the *Liquor Licensing Regulations 1989* as at 8 Mar 2002 (includes amendments listed above)		
Liquor Licensing Amendment Regulations 2002	28 Jun 2002 p. 3105-6	1 Jul 2002 (see r. 2)
Liquor Licensing Amendment Regulations (No. 2) 2002	22 Oct 2002 p. 5254-5	22 Oct 2002

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Citation	Gazettal	Commencement
Liquor Licensing Amendment Regulations (No. 3) 2002	19 Nov 2002 p. 5515-16	1 Jan 2003 (see r. 2)
Liquor Licensing Amendment Regulations 2003	28 Feb 2003 p. 676-7	28 Feb 2003
Liquor Licensing Amendment Regulations (No. 2) 2003	28 Mar 2003 p. 983-4	28 Mar 2003
Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 22	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and *Gazette* 30 Jun 2003 p. 2579)
Liquor Licensing Amendment Regulations (No. 4) 2003	11 Jul 2003 p. 2741-2	11 Jul 2003
Liquor Licensing Amendment Regulations (No. 5) 2003	26 Sep 2003 p. 4223-4	1 Jan 2004 (see r. 2)
Liquor Licensing Amendment Regulations (No. 3) 2003	10 Oct 2003 p. 4405-6	10 Oct 2003
Liquor Licensing Amendment Regulations (No. 6) 2003	28 Oct 2003 p. 4527-9	28 Oct 2003
Racing and Gambling (Miscellaneous) Amendment Regulations 2004 Pt. 7	30 Jan 2004 p. 413-18	30 Jan 2004 (see r. 2)
Reprint 4: The *Liquor Licensing Regulations 1989* as at 2 Apr 2004 (includes amendments listed above)		
Liquor Licensing Amendment Regulations 2004 [7]	9 Jul 2004 p. 2773-7	9 Jul 2004
Liquor Licensing Amendment Regulations (No. 2) 2004	9 Jul 2004 p. 2778-80	1 Jan 2005 (see r. 2)
Liquor Licensing Amendment Regulations (No. 3) 2004	10 Aug 2004 p. 3186	10 Aug 2004
Liquor Licensing Amendment Regulations (No. 6) 2004	30 Nov 2004 p. 5491	30 Nov 2004
Liquor Licensing Amendment Regulations 2005	11 Jan 2005 p. 98-9	11 Jan 2005
Liquor Licensing Amendment Regulations (No. 2) 2005	19 Aug 2005 p. 3873-4	19 Aug 2005
Reprint 5: The *Liquor Licensing Regulations 1989* as at 7 Oct 2005 (includes amendments listed above)		
Liquor Licensing Amendment Regulations (No. 3) 2005	14 Oct 2005 p. 4564-6	1 Jan 2006 (see r. 2)

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Citation	Gazettal	Commencement
Liquor Licensing Amendment Regulations 2006	14 Feb 2006 p. 695-6	14 Feb 2006
Liquor Licensing Amendment Regulations (No. 2) 2006	14 Nov 2006 p. 4734-5	1 Jan 2007 (see r. 2)
Liquor Licensing Amendment Regulations 2007	1 May 2007 p. 1861-89	r. 1 and 2: 1 May 2007 (see r. 2(a)); r. 3-17 and 20-26: 7 May 2007 (see r. 2(d)); r. 18 and 19: 1 Aug 2007 (see r. 2(b) and (c) and *Gazette* 20 Jul 2007 p. 3629)
Reprint 6: The *Liquor Control Regulations 1989* as at 6 Jul 2007 (includes amendments listed above except those in the *Liquor Licensing Amendment Regulations 2007* r. 18 and 19)		
Liquor Control Amendment Regulations (No. 2) 2007 [8]	28 Sep 2007 p. 4928-32	r. 1 and 2: 28 Sep 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Sep 2007 (see r. 2(b))
Liquor Control Amendment Regulations (No. 5) 2007	2 Oct 2007 p. 4974	r. 1 and 2: 2 Oct 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Oct 2007 (see r. 2(b))
Liquor Control Amendment Regulations (No. 3) 2007	9 Oct 2007 p. 5352-4	r. 1 and 2: 9 Oct 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2008 (see r. 2(b))
Liquor Control Amendment Regulations (No. 2) 2008	22 Apr 2008 p. 1545	r. 1 and 2: 22 Apr 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Apr 2008 (see r. 2(b))
Liquor Licensing Amendment Regulations 2008	2 May 2008 p. 1703-4	r. 1 and 2: 2 May 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 3 May 2008 (see r. 2(b))
Reprint 7: The *Liquor Control Regulations 1989* as at 4 Jul 2008 (includes amendments listed above)		
Liquor Control Amendment Regulations (No. 3) 2008	24 Oct 2008 p. 4682-5	r. 1 and 2: 24 Oct 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Oct 2008 (see r. 2(b))

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Citation	Gazettal	Commencement
Liquor Control Amendment Regulations (No. 5) 2008	7 Nov 2008 p. 4821-2	r. 1 and 2: 7 Nov 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Nov 2008 (see r. 2(b))

[1a] On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
Liquor Control Amendment Regulations (No. 4) 2008 r. 4 and 5 [9]	28 Oct 2008 p. 4729-31	1 Jan 2009 (see r. 2(b))

[2] Formerly referred to the *Liquor Licensing Act 1988* the short title of which was changed to the *Liquor Control Act 1988* by the *Liquor and Gaming Legislation Amendment Act 2006* s. 4. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

[3] Commenced 7 May 2007.

[4] Now known as the *Liquor Control Regulations 1989*; citation changed (see note under r. 1).

[5] Disallowed on 26 Apr 1992, see *Gazette* 1 May 1992 p. 1844.

[6] The *Liquor Licensing Amendment Regulations (No. 2) 2001* r. 2(3) and (4) are transitional provisions that are of no further effect.

[7] The amendments in the *Liquor Licensing Amendment Regulations 2004* r. 3 and 5 are not included because of an error in the reference to the provisions to be amended.

[8] The *Liquor Control Amendment Regulations (No. 2) 2007* r. 12 could not have effect as the reference to the *Liquor Licensing Act 1988* was changed to the *Liquor Control Act 1988* under the *Reprints Act 1984* s. 7(3)(gb) (see note [2] above).

[9] On the date as at which this compilation was prepared, the *Liquor Control Amendment Regulations (No. 4) 2008* r. 4 and 5 had not come into operation. They read as follows:

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4. Regulation 26 amended

Regulation 26(1aa) is amended as follows:

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(a) in paragraph (a) by deleting "$100.00;" and inserting instead —

" $105.00; ";

(b) in paragraph (b) by deleting "$200.00." and inserting instead —

" $205.00. ".

5. Schedule 3 replaced

Schedule 3 is repealed and the following Schedule is inserted instead —

"

Schedule 3 — Fees

[r. 26(1) and (2A)]

Item	Description	Fee $	Electronic lodgment fee $
1.	Application for the grant or removal of a hotel licence, nightclub licence, casino liquor licence, special facility licence or liquor store licence	2 200.00	2 000.00
2.	Application for the grant or removal of a club licence, restaurant licence, producer's licence or wholesaler's licence	500.00	460.00
3.	Application for the transfer of a licence	500.00	
4.	Licence fee for all licences other than a wholesaler's licence	155.00	
5.	Licence fee for a wholesaler's licence	330.00	
6.	Application for an occasional licence where the anticipated number of persons attending* is —		
	(a) up to 250	35.00	
	(b) between 251 and 500	80.00	
	(c) between 501 and 1 000	145.00	
	(d) between 1 001 and 5 000	610.00	
	(e) between 5 001 and 10 000	1 250.00	
	(f) over 10 000	2 500.00	
	[*See regulation 26(4) as to the anticipated number of persons attending]		

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Item	Description	Fee $	Electronic lodgment fee $
7.	Application for extended trading permit for a period of over 21 days —		
	(a) issued for a purpose referred to in section 60(4)(ca)	370.00	340.00
	(b) issued for a purpose referred to in section 60(4)(h)	245.00	230.00
	(c) issued for any other purpose	670.00	620.00
8.	Application for extended trading permit for a period of 21 days or less (for each day, up to a maximum of $500)	65.00	
9.	Application for approval of manager (other than under club restricted licence), after licence is granted	80.00	
10.	Application for approval of manager under club restricted licence, after licence is granted	25.00	
11.	Application for approval of person in position of authority, after licence is granted	90.00	
12.	Application for approval for alteration or redefinition of licensed premises	310.00	285.00
13.	Application for a protection order under section 87(1)	80.00	
14.	Application for duplicate licence	30.00	
15.	Application for approval of change of name of licensed premises	65.00	
16.	Application to add, vary or cancel condition of licence or permit (other than club restricted licence)	80.00	70.00
17.	Application to add, vary or cancel condition of club restricted licence	30.00	
18.	On the issue of a list of licensed premises or a list of owners of licensed premises	80.00	
19.	On the issue of a list of licensed premises on computer disk	50.00	
20.	Address labels for licensed premises	115.00	
21.	Application for Proof of Age Card (r. 18B)	25.00	
22.	Supply of approved heading for advertising an application	25.00	
23.	Copy of plan — per sheet	25.00	

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Item	Description	Fee $	Electronic lodgment fee $
24.	Certified copy of plan defining licensed premises ...	35.00	
25.	Issue of a summons to a witness	20.00	
26.	Copy of a licence or a permit, or a decision of the Commission (or the former Liquor Licensing Court) or the Director	25.00	
27.	For the certification of a copy of a licence or permit or a decision of the Commission (or the former Liquor Licensing Court) or the Director — an additional fee of	25.00	
28.	For a search of records of licences — per licence ...	35.00	
29.	For a notice of application for approval of arrangement or agreement (s. 68(1)(b)(i))	70.00	
30.	For a copy of documentation, other than that already prescribed, per page	4.50	
31.	For a search of postcodes —		
	(a) 1 to 10 postcodes	35.00	
	(b) more than 10 postcodes	70.00	
32.	For a full search of the licence record	45.00	
33.	Application under section 62(6) to vary any plans or specifications the subject of a condition	230.00	220.00
34.	Application under section 126A for approval of entertainment for juveniles on licensed premises	55.00	

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