



Western Australia

Liquor Control Act 1988

# **Liquor Control Regulations 1989**

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As at 04 Nov 2011

Version 10-d0-01

Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information



## Liquor Control Regulations 1989

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**Defined Terms**

Western Australia

Liquor Control Act 1988

## **Liquor Control Regulations 1989**

### **1. Citation**

These regulations may be cited as the *Liquor Control Regulations 1989*<sup>1</sup>.

*[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*<sup>2</sup> comes into operation<sup>1</sup>.

### **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) Subregulation (3) does not apply to applications and accompanying documents that are lodged by an electronic means acceptable to the Director.

[Regulation 3 amended in Gazette 3 Jun 2011 p. 1999.]

**3A. Terms used**

- (1) In these regulations, unless the contrary intention appears —
- anticipated number of patrons***, in relation to an application for an occasional licence, means the sum of the maximum number of patrons for each day of the period to which the application relates;
- approved manager*** has the meaning given in section 102A;
- higher education course*** has the meaning given in the *Higher Education Act 2004* section 3;
- higher education institution*** means an education institution as defined in the *Higher Education Act 2004* section 3 that provides a higher education course;
- manager's approval*** has the meaning given in section 102A;
- maximum number of patrons***, in relation to a day of the period to which an application for an occasional licence relates, means the maximum number of patrons that the person making the application reasonably expects to be in the licensed area at any one time on that day;
- 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.

*[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; 15 Jan 2010 p. 70-1; 22 Oct 2010 p. 5225; 3 Jun 2011 p. 1994.]*

**3AB. Mist of gas and liquid (containing ethanol) is a kind of liquor (Act s. 3(1))**

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 (Act s. 3(1))**

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 (Act s. 3(1))**

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.

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[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 (Act s. 3(1))**

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.]

**4A. Liquor — alcohol based food essence is prescribed substance (Act s. 3(1))**

(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 ml, in the case of natural vanilla essence; or
- (b) 50 ml, 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 (Act s. 3(1))**

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
- (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 (Act s. 3(1))**

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; and
- (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 (Act s. 3(1))**

- (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 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*<sup>3</sup>; or

- 
- (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; or
    - (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 —
- (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 (Act s. 3(1))**

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

- (a) the prescribed quantity of beer is 100 ml; and
- (b) the prescribed quantity of wine is 50 ml; and
- (c) the prescribed quantity of spirits is 15 ml.

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

**5B. Persons who occupy positions of authority in body corporate (Act s. 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.
- (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. *Deleted in Gazette 1 May 2007 p. 1867.]*

**7. Approved courses (Act s. 6(1)(c))**

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

(ba) by a higher education 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; 15 Jan 2010 p. 71.]*

**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 L; 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*;
  - (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; or
    - (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; or



- (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;
- (ja) the sale or supply of liquor on a commercial vessel in the course of an inter-State voyage or overseas voyage of the vessel;
- (j) the supply of liquor by a person who conducts, supervises or manages a bed and breakfast facility (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; and
  - (ii) that supply of the liquor is at the facility; and
  - (iii) that supply of the liquor is gratuitous; and
  - (iv) that supply of the liquor does not exceed 1.5 L 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; and
  - (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

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- (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<sup>4</sup>.
- (3) In subregulation (1)(ja) —  
**commercial vessel** has the meaning given in the *Western Australian Marine Act 1982* section 3(1);  
**inter-State voyage** and **overseas voyage** have the meanings given in the *Navigation Act 1912* section 6 (Commonwealth).  
*[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; 15 Jul 2011 p. 2955.]*

**8A. Exemption: live entertainment venues**

- (1) In this regulation —  
**entertainment** —
- (a) means musical, theatrical, dance or comic entertainment; but
  - (b) does not include a sporting contest;

***live entertainment*** —

- (a) means continuous entertainment provided by one or more persons present in person; but
- (b) does not include any of the following —
  - (i) entertainment provided by way of recorded music (including music videos), whether or not by a disk jockey, unless merely incidental to the continuous entertainment to which paragraph (a) applies;
  - (ii) the presentation, visually or acoustically (or both), of entertainment taking place at another venue, where what is presented is received from a broadcast or any other transmission (including Internet streaming) in real time or with a delay;

***negative determination***, in relation to a person, means —

- (a) a refusal of an application under the Act for the grant of a licence, or for approval to the transfer of a licence, if the ground, or one of the grounds, for the refusal of the application was that the person —
  - (i) was not a fit and proper person to be a licensee of the premises to which the application related; or
  - (ii) was not a fit and proper person to occupy a position of authority in a body corporate that is a licensee of the premises to which the application related; or
  - (iii) was not a fit and proper person to be directly or indirectly interested in the application or in the business, or the profits or proceeds of the business, to be carried on under the licence;
- or
- (b) a refusal of an application under the Act for the approval of a person to occupy a position of authority in a body corporate that holds a licence, if the ground, or one of

the grounds, for the refusal of the application was that the person was not a fit and proper person to occupy that position in the body corporate; or

- (c) a refusal of an application under the Act for the approval of the person as a trustee to hold a licence, if the ground, or one of the grounds, for the refusal of the application was that the person was not a fit and proper person for the position; or
- (d) a refusal of an application under the Act for the approval of the person as an approved unrestricted manager or an approved restricted manager or (in the case of an application made before the day on which the *Liquor Control Amendment Act 2010*<sup>1</sup> Part 2 came into operation) as a manager of licensed premises, if the ground, or one of the grounds, for the refusal of the application was that the person was not a fit and proper person to be a manager of licensed premises; or
- (e) a refusal of an application under section 86 for the approval of the person to carry on the business of a licensee, if the ground, or one of the grounds, for the refusal of the application was that the person was not a fit and proper person to carry on the business of a licensee; or
- (f) a refusal of an application under section 87 for the grant of a protection order, if the ground, or one of the grounds, for the refusal of the application was that the person was not a fit and proper person to carry on the business of a licensee; or
- (g) a refusal of an application under section 104 for the approval of an agreement or arrangement, if the ground, or one of the grounds, for the refusal of the application was that the person was not a fit and proper person to act as an unlicensed agent; or

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- (h) a refusal of an application under section 119A for approval to conduct a non-liquor business on licensed premises, if the ground, or one of the grounds, for the refusal of the application was that the person was not a fit and proper person to conduct the non-liquor business on the premises;

**responsible adult** has the meaning given in section 125(2)(b);

**restricted material** means —

- (a) a publication, within the meaning of the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth), that has been classified or reclassified RC (refused classification), Category 1 restricted or Category 2 restricted under that Act; or
- (b) a film, within the meaning of that Act, that has been classified or reclassified RC (refused classification), X 18+ or R 18+ under that Act; or
- (c) a computer game, within the meaning of that Act, that has been classified or reclassified RC (refused classification) under that Act.
- (2) For the purpose of determining whether or not entertainment is continuous, no account is to be taken of reasonable intervals between acts, or between the performances of persons, as long as substantial compliance with the requirement for continuity is observed.
- (3) For the purposes of subregulation (4)(e)(i), a person has a **current negative determination** if a negative determination has at any time been made in relation to that person, unless since that negative determination was made —
- (a) an application of any of the kinds mentioned in the definition of **negative determination** in subregulation (1) has been made to the licensing authority; and

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- (b) the determination of the application required the licensing authority to determine whether or not the person was a fit and proper person in relation to a matter relevant to the application; and
  - (c) the application was granted.
- (4) The consumption of liquor by a person who is at least 18 years of age is exempted from the application of the Act if —
- (a) the liquor is consumed on premises while live entertainment is being provided on the premises; and
  - (b) the primary purpose of the premises is to facilitate the provision of live entertainment; and
  - (c) the consumption of liquor on the premises is ancillary to the live entertainment being provided; and
  - (d) the person in charge of the premises notifies the Director, in the form and manner approved by the Director and at least 14 days before that person first intends to rely on the exemption conferred by this regulation to permit the consumption of liquor on the premises, that liquor is to be consumed on the premises in reliance on the exemption conferred by this regulation; and
  - (e) neither the person in charge of the premises, nor any person who is an employee, contractor or agent of that person and is providing services on the premises —
    - (i) has a current negative determination; or
    - (ii) is the holder of a licence or protection order the operation of which is suspended under section 96(1)(d) or (4); or
    - (iii) has had a licence or protection order held by the person cancelled under section 96(1)(e) or (4), unless since that cancellation the person has been granted a licence or protection order; or

- (iv) is disqualified under section 96(1)(f) from holding a licence; or
- (v) is disqualified under section 96(1)(g)(i) from being the holder of a position of authority in a body corporate that holds a licence; or
- (vi) is disqualified under section 96(1)(g)(ii) from being interested in, or in the profits or proceeds of, a business carried on under a licence; or
- (vii) has had the approval of the person as a manager revoked under section 102F(2)(a) or withdrawn (other than for a specified period) under the former section 35B (as in force immediately before its repeal by the *Liquor Control Amendment Act 2010* section 8), unless since that revocation or withdrawal the person has been approved as a manager; or
- (viii) is an approved manager whose approval is suspended under section 102F(2)(b); or
- (ix) is the subject of a prohibition order made under section 152E;

and

- (f) there are no more than 200 patrons on the premises at any one time; and
- (g) the person in charge of the premises is not a juvenile; and
- (h) juveniles (other than juveniles mentioned in subregulation (5)) are not allowed to enter or remain on the premises unless accompanied by, and under the supervision of, a responsible adult; and
- (i) water suitable for drinking is provided, free of charge, at all times when liquor is being consumed on the premises; and

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- (j) a drunk person is not allowed to consume liquor on the premises; and
  - (k) neither the person in charge of the premises, nor any person who is an employee, contractor or agent of that person and is providing services on the premises, nor any person who is providing live entertainment on the premises —
    - (i) is indecently dressed on the premises; or
    - (ii) allows any other person to be indecently dressed on the premises; or
    - (iii) takes part in, or allows any other person to take part in, any activity on the premises in an indecent manner; or
    - (iv) shows or allows to be shown on the premises any restricted material or any extract from restricted material.
- (5) The juveniles to which subregulation (4)(h) does not apply are as follows —
- (a) a juvenile who is providing services on the premises (such as serving food or providing security);
  - (b) a juvenile who is providing live entertainment on the premises, or assisting a person who is providing such entertainment.

*[Regulation 8A inserted in Gazette 15 Jul 2011 p. 2956-60.]*

**8B. Exemption: occasional functions**

- (1) The sale or supply of liquor to a person who is at least 18 years of age is exempted from the application of the Act if —
- (a) the liquor is supplied at a function; and
  - (b) the supply of liquor at the function is ancillary to the function; and



- 
- (c) the function starts not earlier than 6 a.m. on any day, and finishes not later than 10 p.m. on the same day; and
  - (d) either —
    - (i) the total number of attendees over the course of the function does not exceed 100, and liquor is served during one continuous period not exceeding 2 hours; or
    - (ii) the total number of attendees over the course of the function does not exceed 75, and liquor is served during one continuous period not exceeding 4 hours;
  - and
  - (e) liquor is not supplied at the function to a drunk person; and
  - (f) a drunk person is not allowed to consume liquor at the function.
- (2) For the purposes of subregulation (1)(d), an *attendee* does not include a person who is at a function for the sole or principal purpose of —
- (a) managing or supervising the function; or
  - (b) providing services at the function (such as serving food or liquor, or providing security); or
  - (c) providing entertainment at the function, or assisting a person who is providing such entertainment.

[Regulation 8B inserted in Gazette 15 Jul 2011 p. 2960-1.]

**8C. Exemption: complimentary supply of liquor by business**

- (1) In this regulation —
- standard drink* means a drink containing not more than 10 g of ethanol measured at 20°C.

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- (2) The sale or supply of liquor to a person who is at least 18 years of age is exempted from the application of the Act if —
- (a) the liquor is supplied by a person who carries on a business, or by an employee, contractor or agent of such a person; and
  - (b) the liquor is supplied to a customer of the business; and
  - (c) the supply of the liquor —
    - (i) is ancillary to the business; and
    - (ii) is without charge; and
    - (iii) takes place on the business premises;and
  - (d) the quantity of liquor that is supplied to the customer on those business premises on any one day is either —
    - (i) not more than 2 standard drinks for consumption by the customer on those premises; or
    - (ii) not more than one litre in aggregate, in one or more sealed containers, for consumption off those premises;and
  - (e) the liquor is not supplied to a drunk customer; and
  - (f) a drunk customer is not allowed to consume the liquor on those business premises.

*[Regulation 8C inserted in Gazette 15 Jul 2011 p. 2961-2.]*

**8D. Exemption: farmers' markets**

- (1) In this regulation —
- agricultural region*** —
- (a) means an area of the State in which the land use is primarily for primary production; and
  - (b) includes any townsite within an area of that kind;
- farmers' market*** means a market or fair at which primary producers display and sell their products directly to the public;

**primary production** means agriculture, pastoral pursuits, horticulture, grazing, dairy farming, bee-keeping, orcharding, viticulture, silviculture or other similar farming activities;

**producers' association** means any society, body, organisation or association, whether incorporated or not, the purpose of which, or one of the purposes of which, is to represent or promote, whether generally or within a particular area, the interests of producers of liquor or producers of one or more particular kinds of liquor.

- (2) The sale or supply of liquor to a person who is at least 18 years of age is exempted from the application of the Act if —
- (a) the liquor is sold or supplied from a stall at a farmers' market held in an agricultural region; and
  - (b) the stall is provided by a producers' association for the benefit of 2 or more producers of liquor; and
  - (c) the liquor supplied or sold has been produced by the producers for whose benefit the stall is provided; and
  - (d) the liquor is sold or supplied from the stall —
    - (i) by way of free sample for consumption at the farmers' market; or
    - (ii) in an aggregate quantity of not more than 2.5 L to any one person on any one day, in one or more sealed containers, for consumption away from the farmers' market; or
    - (iii) by way of an order taken for the sale or supply of liquor at a future date;
- and
- (e) the liquor is not sold or supplied to a drunk person; and
  - (f) a drunk person is not allowed to consume the liquor in the area immediately surrounding the stall in which customers of the stall congregate to sample or purchase liquor from the stall.

*[Regulation 8D inserted in Gazette 15 Jul 2011 p. 2962-3.]*

**8E. Exemption: organisers of functions on licensed premises**

(1) In this regulation —

***authorised arrangement*** means an arrangement —

- (a) that is between the organiser of a function and the licensee of the licensed premises on which the function is to be held; and
- (b) under which —
  - (i) the licensee is to provide the venue, food and liquor for the function for a fixed price to the organiser; and
  - (ii) the organiser is to arrange for the function to be advertised to the public and for the sale of tickets for the function;

and

- (c) that is approved under section 104;

***organised function*** means a function —

- (a) that is held on licensed premises (other than premises to which a club licence applies); and
- (b) that is held under an authorised arrangement; and
- (c) the price of a ticket for which includes admission to the function as well as the provision of liquor, food and entertainment during the function; and
- (d) all advertising for which includes a reference to the terms of the licence under which the supply of liquor at the function is authorised.

(2) The sale or supply of liquor by the organiser of an organised function to a person who attends the function and is at least 18 years of age is exempted from the application of the Act.

*[Regulation 8E inserted in Gazette 15 Jul 2011 p. 2963-4.]*

**8F. Exemption: small charter vehicles**

(1) In this regulation —

**country charter vehicle** means a vehicle —

- (a) that is equipped to carry a maximum of 14 adult passengers (excluding the driver); and
- (b) that is licensed under the *Transport Co-ordination Act 1966* section 47ZD to be operated as a taxi-car, with the following conditions (or conditions to the same effect) attached to the licence —
  - (i) that the vehicle must not have a taximeter fitted to it;
  - (ii) that the vehicle must not display taxi signs;
  - (iii) that the vehicle must not be operated from taxi ranks, in plying for hire, or in soliciting passengers on roads or other public places for the purpose of hiring;

**function** means a gathering, occasion or event;

**responsible adult** has the meaning given in section 125(2)(b);

**school** has the meaning given in the *School Education Act 1999* section 4;

**small charter vehicle** means a vehicle —

- (a) that is equipped to carry a maximum of 14 adult passengers (excluding the driver); and
- (b) that is licensed under the *Transport Co-ordination Act 1966* to be operated as an omnibus; and
- (c) that has fixed to it number plates that —
  - (i) are issued under section 32A of that Act in respect of that vehicle; and
  - (ii) include the words “small charter vehicle” and either the words “Western Australia” or the letters “WA”.

- (2) The consumption of liquor by a person who is at least 18 years of age is exempted from the application of the Act if —
- (a) the liquor is consumed by the person while he or she is a passenger in a vehicle being operated as a country charter vehicle or a small charter vehicle; and
  - (b) any juveniles in the vehicle are accompanied by, and under the supervision of, a responsible adult; and
  - (c) the driver of the vehicle does not allow a drunk person to consume liquor in the vehicle.
- (3) The exemption conferred by subregulation (2) does not apply if the vehicle is under charter for the purposes of, or for purposes that include, taking one or more school students to or from a function organised, by or on behalf of a school, for students who attend the school (for example, a school ball), whether or not the function is held at the school and whether or not other persons also attend the function.

*[Regulation 8F inserted in Gazette 15 Jul 2011 p. 2964-5.]*

**9. Persons who may take and administer oaths and affirmations (Act s. 18(3)(c))**

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.]*

**9AA. Prescribed distance outside country townsites  
(Act s. 36A(2)(b))**

For the purpose of section 36A(2)(b) a distance of 25 km 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 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 specified premises, to workers and their guests.
- (2) A licence granted for this purpose may permit the sale of packaged liquor.
- (3) In this regulation —  
*specified* means specified in the licence;  
*worker* means a person —
  - (a) working on a specified project; or
  - (b) working for a specified business;*works canteen* means a canteen, located at or near the place where a specified project is being undertaken or a specified business is being carried on, catering for the needs of workers.

**Theatre or cinema**

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

**Reception or function centre**

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

receptions) to persons attending a reception or function at the centre.

### **Transport**

- (6) A special facility licence may be granted for the purpose of allowing the sale of liquor —
- (a) at an airport, railway station, bus station or seaport; or
  - (b) on 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 km from his or her usual place of residence for a period of at least one night; and
  - (b) intending to stay away from his or her usual place of residence for a period of less than 12 months; and
  - (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.



**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 or a higher education institution to students and staff of the institution and their guests.

**Education and training course**

- (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 or higher education 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 or higher education institution, if the liquor is sold or supplied for the purposes of the course.
- (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 or higher education 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 the licence is subject to all of the following conditions —

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- (a) the liquor must be sold or supplied only —
    - (i) during a special event; and
    - (ii) in an area approved by the Director;
  - (b) the liquor must be sold or supplied only by persons who are —
    - (i) at least 16 years of age; and
    - (ii) in the case of persons under 18 years of age — under the supervision of a responsible adult;
  - (c) the sale or supply of liquor to a person other than a liquor merchant must be limited —
    - (i) for liquor supplied for consumption on the grounds of the 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;
  - (d) the sale or supply of liquor to a liquor merchant —
    - (i) must be limited in accordance with paragraph (c); or
    - (ii) must be approved by the Director.
- (10e) In subregulations (10a), (10b), (10c) and (10d) and this subregulation —

***approved viticulture course*** means —

- (a) 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; or
- (b) a higher education course relating to viticulture;

***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 higher education 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).

### **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.
- (14A) In subregulation (13) —
- caterer*** means a person who —
- (a) carries on a food business as defined in the *Food Act 2008* section 10; and
  - (b) handles or sells food for consumption at functions.

**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 —
- (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 to persons in the venue.
- (19) In subregulation (18) —
- amusement venue* means premises the primary purpose of which is to allow persons in the premises —
- (a) to play or view snooker, bowling, electronic games or other similar amusements; or
  - (b) to participate in or view karaoke.

[(20), (21) deleted]

**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; 13 Mar 2009 p. 763; 15 Jan 2010 p. 71-2; 22 Oct 2010 p. 5226; 7 Oct 2011 p. 4068-9.]*

**9AB. Reviewable decisions by Director relating to applications for permits (Act s. 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 (Act s. 46(6))**

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;
- (ca) regulation 9A(10) — education and training institution;
- (cb) regulation 9A(10a) — education and training course;
- (cc) regulation 9A(10c) — approved viticulture course;
- (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; 15 Jan 2010 p. 72.]*

**9D. Act s. 33(6b) modified 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 patrons 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 patrons 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; amended in Gazette 22 Oct 2010 p. 5226.]*

*[9E. Deleted in Gazette 3 Jun 2011 p. 1994.]*

**9F. Licensing authority to be satisfied that applications for certain permits are in public interest (Act s. 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. Reciprocal arrangements for club membership, requirements for (Act s. 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 —

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- (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.

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

**10. Producer's licence, applicant to meet requirements for (Act s. 57(2)(d))**

For the purposes of section 57(2)(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 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; 6 Feb 2009 p. 248; 3 Jun 2011 p. 1999.]*



**10A. Producer's licence condition — blended wines (Act s. 55(2))**

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.

*[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.
- (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.

- (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. Deleted in Gazette 28 Sep 2007 p. 4928.]*

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

### **13. Records (Act s. 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.

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[14. Deleted in Gazette 28 Sep 2007 p. 4928.]

**14A. Prescribed premises (Act s. 77(5a)(b))**

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. Lodgment periods for applications for certain occasional licences (Act s. 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 patrons 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 patrons 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; amended in Gazette 22 Oct 2010 p. 5227.]

**14AC. Lodgment periods for applications for certain permits (Act s. 76(1)(b))**

- (1) In this regulation —

*anticipated number of patrons*, in relation to an application for a prescribed permit, means the sum of the maximum number of patrons for each day of the period to which the application relates;

*maximum number of patrons*, in relation to a day of the period to which an application for a prescribed permit relates, means the maximum number of patrons that the person making the

application reasonably expects to be in the permit area at any one time on that day;

**permit area** means the place or premises in respect of which the application is made;

**prescribed permit** means 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 a prescribed permit is to be lodged with the Director —
- (a) if the anticipated number of patrons is greater than 500 but not greater than 5 000 — not later than 30 days before the permit is to take effect; or
  - (b) if the anticipated number of patrons is greater than 5 000 — not later than 60 days before the permit is to take effect.

*[Regulation 14AC inserted in Gazette 1 May 2007 p. 1877; amended in Gazette 22 Oct 2010 p. 5227.]*

#### **14ADA. Manager's approval, application for (Act s. 102B)**

- (1) In this regulation —
- approval application** means an application for a manager's approval under section 102B.
- (2) An approval application must be —
- (a) made in the form approved by the Director; and
  - (b) supported by such other documentation or information as the Director may in a particular case require.
- (3) An approval application must be lodged at an Australia Post office or agency unless it is an approval application to which subregulation (4) applies.
- (4) An approval application by an approved restricted manager seeking approval as an approved unrestricted manager must be lodged —

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- (a) at an Australia Post office or agency; or
- (b) by an electronic means acceptable to the Director.

*[Regulation 14ADA inserted in Gazette 3 Jun 2011 p. 1995.]*

**14ADB. Manager's approval, conditions on (Act s. 102C)**

- (1) The Director may impose a condition on a manager's approval —
  - (a) when the manager's approval is granted or renewed; or
  - (b) at any other time by giving notice in writing to the approved manager.
- (2) The Director may vary or remove a condition on a manager's approval at any time by giving notice in writing to the approved manager.
- (3) The Director may impose, vary or remove a condition on —
  - (a) the Director's own initiative; or
  - (b) the application of the approved manager.
- (4) Before the Director —
  - (a) imposes a condition under subregulation (1)(b); or
  - (b) varies a condition,

on the Director's own initiative, the Director must give the approved manager a reasonable opportunity to make submissions concerning the proposed condition or variation.
- (5) A notice under subregulation (1)(b) or (2) takes effect on the day specified in it.

*[Regulation 14ADB inserted in Gazette 3 Jun 2011 p. 1995-6.]*

**14ADC. Manager's approval, duration of (Act s. 102D)**

- (1) A period of 5 years is prescribed for the purposes of section 102D(1)(b).

- (2) A duration of 5 years is prescribed for the purposes of section 102D(2).

*[Regulation 14ADC inserted in Gazette 3 Jun 2011 p. 1996.]*

**14ADD. Manager's approval, renewal of (Act s. 102E)**

- (1) In this regulation —  
**renewal application** means an application for the renewal of a manager's approval under section 102E.
- (2) A renewal application must be —
- (a) made in the form approved by the Director; and
  - (b) supported by such other documentation or information as the Director may in a particular case require.
- (3) A renewal application must be lodged —
- (a) at an Australia Post office or agency; or
  - (b) by an electronic means acceptable to the Director.
- (4) Unless the Director otherwise determines, if —
- (a) a renewal application has been made; and
  - (b) the Director has not, before the day on which the manager's approval is due to expire, determined the renewal application,

the applicant is to be taken to be an approved unrestricted manager or an approved restricted manager, as the case requires, until the Director determines the renewal application.

*[Regulation 14ADD inserted in Gazette 3 Jun 2011 p. 1996.]*

**14ADE. Identification cards**

- (1) The Director may issue an identification card to an approved manager.
- (2) An identification card —
- (a) must be in the form approved by the Director; and

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- (b) may contain such information as the Director considers appropriate.
- (3) An authorised officer may direct a person to whom an identification card has been issued to produce the identification card —
  - (a) to the authorised officer immediately if the card is in the person's possession when the direction is given; or
  - (b) to an authorised officer or the officer in charge of a police station, within 48 hours after the direction is given, if the card is not in the person's possession when the direction is given.
- (4) A person who fails to comply with a direction given to the person under subregulation (3) commits an offence.  
Penalty: a fine of \$2 000.

*[Regulation 14ADE inserted in Gazette 3 Jun 2011 p. 1996-7.]*

**14ADF. Lost, stolen or destroyed identification cards**

- (1) If the Director is satisfied, on an application in accordance with subregulation (2), that an identification card has been lost, stolen or destroyed, the Director may issue a replacement identification card.
- (2) An application for a replacement identification card must be —
  - (a) made in a form approved by the Director; and
  - (b) lodged —
    - (i) at an Australia Post office or agency; or
    - (ii) by an electronic means acceptable to the Director;and
  - (c) accompanied by the appropriate fee set out in Schedule 3.

*[Regulation 14ADF inserted in Gazette 3 Jun 2011 p. 1997.]*



**14ADG. Transitioned approvals (Act Sch. 1B)**

- (1) In this regulation —  
*commencement day* has the meaning given in Schedule 1B clause 1 of the Act;  
*transitioned approval* has the meaning given in Schedule 1B clause 3(1) of the Act.
- (2) The Director is not required to comply with regulation 14ADB(4) before imposing a condition on a transitioned approval if the condition is imposed within 3 months after the commencement day.
- (3) Despite section 102D(1)(b) and regulation 14ADC(1), a transitioned approval remains in force for —
  - (a) a period of 5 years after the commencement day; or
  - (b) any longer period determined by the Director and specified in a notice in writing given to the holder of the transitioned approval,unless before then it is revoked under section 102F.
- (4) Despite section 102D(2) and regulation 14ADC(2), the first renewal of a transitioned approval after the commencement day may be for a duration of 1, 3 or 5 years, as chosen by the applicant for renewal.

*[Regulation 14ADG inserted in Gazette 3 Jun 2011 p. 1997-8.]*

**14AD. Responsible practices in selling, supply and serving liquor (Act s. 103A(1)(a))**

- (1) This regulation does not apply to a person who is a licensee or a 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

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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 patrons is greater than 300, is 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; amended in Gazette 22 Oct 2010 p. 5227; 3 Jun 2011 p. 1998.]*

**14AE. Offences for r. 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 patrons 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.
- (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; 22 Oct 2010 p. 5228.]*

**14AF. Transitional arrangements for r. 14AD**

- (1) A person who, immediately before the commencement of the *Liquor and Gaming Legislation Amendment Act 2006*<sup>5</sup> section 71, 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*<sup>5</sup> section 71, subregulation (1) ceases to apply to that person.

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

**r. 14AG**

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**14AG. Licensees to maintain register (Act s. 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
  - (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. Deleted in Gazette 28 Sep 2007 p. 4929.]*

**16. Liability of licensee — prescribed amount (Act s. 107)**

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. Out of bounds area, notice for (Act s. 121(6))**

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 mm in height; and
  - (ii) otherwise, at least 10 mm in height.

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

**18. Regulated premises (Act s. 122(1)(f))**

For the purposes of section 122, the following premises are regulated premises —

- (a) a theatre;
- (b) an educational institution, including any grounds surrounding that institution;
- (c) premises on which the consumption of liquor by a person who is at least 18 years of age is exempted from the application of the Act by regulation 8A;
- (d) premises on which the sale or supply of liquor to a person who is at least 18 years of age is exempted from the application of the Act by regulation 8B or 8C;
- (e) premises on which the sale or supply of liquor to a person who is at least 18 years of age is exempted from the application of the Act by regulation 8D, consisting of —
  - (i) the stall at the farmers' market from which liquor is sold or supplied; and
  - (ii) the area immediately surrounding the stall in which customers of the stall congregate to sample or purchase liquor from the stall;
- (f) premises consisting of a vehicle in which the consumption of liquor by a person who is at least

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18 years of age is exempted from the application of the Act by regulation 8F.

*[Regulation 18 inserted in Gazette 15 Jul 2011 p. 2965-6.]*

**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.
- (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, unless subregulation (3AA) applies, an example of the applicant's signature in a medium specified by the Director) that the Director may require in relation to the application.
- (3AA) This subregulation applies if the applicant is unable to sign because of a permanent disability.

- (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 10 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.

*[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; 13 Mar 2009 p. 763-4; 22 Oct 2010 p. 5228.]*

**18C. Form and content of proof of age cards (r. 18B)**

- (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 —
    - (i) a photograph of the person; and
    - (ii) the person's date of birth; and
    - (iii) unless regulation 18B(3AA) applies, the person's signature; and
    - (iv) 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; amended in Gazette 22 Oct 2010 p. 5228.]*

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**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 (Act s. 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.]*

**18EA. Information to be included on internet websites of certain licensees (Act s. 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.]*

**18EBA. Prescribed persons (Act s. 115AC)**

For the purposes of the definition of *secure web page* paragraph (c) in section 115AC(1A), each of the following persons is prescribed —

- (a) an authorised officer;
- (b) a person appointed to assist the Director under section 14(1)(b).

*[Regulation 18EBA inserted in Gazette 3 Jun 2011 p. 2000.]*

**18EB. Incidents to be included in register (Act s. 116A)**

- (1) For the purposes of section 116A(1), the following incidents that take place at licensed premises are prescribed —
  - (aa) a person is refused entry to the premises because the person is —
    - (i) drunk; or

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- (ii) behaving in an offensive manner, including violent, quarrelsome, disorderly or indecent behaviour;
  - (ab) a person who has been refused entry to the premises —
    - (i) repeatedly attempts to gain entry to the premises; or
    - (ii) behaves in an offensive manner, including violent, quarrelsome, disorderly or indecent behaviour;
  - (a) a person is required to leave or is 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, a 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 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;
  - (f) details of any action taken by the licensee, a 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; 22 Oct 2010 p. 5228-9; 3 Jun 2011 p. 1998.]*

**18F. Prescribed training courses (Act s. 121(11)(d)(i) and (ii))**

- (1) In this regulation —
- accredited higher education course** means a course of study accredited for the purposes of the *Higher Education Act 2004*;
- approved VET course** has the meaning given in the *Vocational Education and Training Act 1996* section 5(1).
- (2) For the purposes of section 121(11)(d)(i) and (ii) the following are prescribed training courses —
- (a) an approved VET course;

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- (b) an accredited higher education course.

*[Regulation 18F inserted in Gazette 9 Jun 2009 p. 1927-8; amended in Gazette 15 Jan 2010 p. 72; 3 Jun 2011 p. 2000.]*

**18G. Dealing with confiscated documents (Act s. 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.]*

**18H. Provisions of Act that may be modified under special event notice (Act s. 126E(4))**

For the purposes of section 126E(4), sections 155(7) and 50(1a) are prescribed.

*[Regulation 18H inserted in Gazette 1 May 2007 p. 1884; amended in Gazette 3 Jun 2011 p. 2000; 27 Sep 2011 p. 3848.]*

**19. Subsidy, application for (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. Wholesaler, extension of definition of**

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.]*

**21. Wholesaler, subsidy for (Act s. 130)**

- (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

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- (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.]*

**21A. Wine producers, subsidy for (Act s. 130)**

- (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) —

*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. Deleted in Gazette 28 Jun 2002 p. 3106.]*

**21AC. Subsidy payable once in respect of 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. Subsidy, conditions imposed by Director as to (Act s. 130(2))**

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. Records, licensees required to keep (Act s. 145(1))**

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

- (a) the holder of a wholesaler's licence; and
- (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.]*

**22. Records, form and content of (Act s. 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; and
    - (B) liquor other than low alcohol liquor; and
    - (C) goods other than liquor; and
    - (D) freight and delivery charges, where separate charges are made; and
    - (E) any discount given; and
    - (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;

and

- (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; and
  - (ii) the date of the invoice or credit note, and the date on which the goods were received or returned; and
  - (iii) the invoice or credit note number; and
  - (iv) the method by which payment was made and, if by cheque, the cheque number and date; and
  - (v) the amount paid or payable for low alcohol liquor; and
  - (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;

and

- (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); and
  - (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 L; 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.

*[(2) deleted]*

*[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. Returns, verification and lodgment of (Act s. 146)**

- (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); or
  - (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 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. Returns, information prescribed (Act s. 145)**

- (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; and
  - (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; and
- (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; or
  - (B) by auction in Western Australia; or
  - (C) pursuant to an occasional licence held by the licensee; or
  - (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;

and

- (iii) to liquor merchants not licensed under the Act; and
- (iv) to employees of the licensee; and
- (v) to persons outside Australia;

and

- (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; and

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

and

[(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; and
  - (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

**r. 25A**

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(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.]*

**25A. Prescribed applicants (Act s. 152P)**

The chief executive officer of the Department, as defined in the *Children and Community Services Act 2004* section 3, is prescribed for the purposes of section 152P(4)(b).

*[Regulation 25A inserted in Gazette 7 Oct 2011 p. 4069.]*

**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.

*[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 \$205; or

- (b) if 3 or more such permits have been issued — an additional amount of \$410.
- (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 half 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 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) If a fee is payable under subregulation (1) or (2A) for or in respect of the lodgment of a document and the document is submitted for lodgment without payment of the fee, the document is taken not to have been lodged until the fee has been paid.
- (4) If —
- (a) under the Act a person is required to lodge a document within a particular period of time (the *lodgment period*); and
  - (b) a fee (the *lodgment fee*) is payable under subregulation (1) or (2A) for or in respect of the lodgment of the document; and
  - (c) the document is submitted for lodgment after the expiry of the lodgment period,
- then a late lodgment fee is payable in addition to the lodgment fee.
- (5) For the purposes of subregulation (4), the late lodgment fee is —
- (a) an amount equal to the lodgment fee, or \$115, whichever is the lesser amount, if the document is submitted for lodgment not later than one month after the expiry of the lodgment period; or
  - (b) an amount equal to 3 times the lodgment fee, if the document is submitted for lodgment more than one month after the expiry of the lodgment period.



*[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; 28 Oct 2008 p. 4729; 20 Nov 2009 p. 4662-3; 22 Oct 2010 p. 5229; 19 Nov 2010 p. 5744; 3 Jun 2011 p. 2000-1.]*

**27. Infringement notices (Act s. 167)**

- (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; and
  - (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 of 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.

**Table**

s. 37A	s. 119(2)
s. 51(2)	s. 119(4)
s. 51(4)	s. 119(5)
s. 65(1)	s. 119(7)
s. 77(1)	s. 119(11)
s. 100(2)	s. 119A(4)
s. 100(2a)	s. 119A(5)

s. 100(5)	s. 121(1)
s. 100(8)	s. 121(2)
s. 101(3)	s. 121(3)
s. 102(1)	s. 121(4) (where the alleged offender is the licensee or a juvenile)
s. 103(3)	
s. 104(1)	
s. 106(1) (where the alleged offender is a lodger)	s. 121(7) s. 121(7a) s. 121(9)
s. 106(3)	s. 121(10)
s. 108	s. 122(2)
s. 110(1)	s. 122(3)
s. 110(2)	s. 123(1)
s. 110(3)	s. 123(2)
s. 110(4A)	s. 124
s. 110(4)	s. 126(2)
s. 110(5)	s. 126(4)
s. 110(7)	s. 126(5)
s. 111(1)	s. 126D(2)
s. 111(2)	s. 135(3)
s. 113A	s. 145(4)
s. 115(1)	s. 146(1)
s. 115(2)	s. 150(2)
s. 115(5)	s. 152L(1)
s. 115(6)	s. 152L(2)
s. 115(7)	s. 152O(1)
s. 115A(2)	s. 152S(2)
s. 116	s. 152S(5)
s. 116A(1)	s. 152T(3)
s. 116A(3)	s. 154(3)

s. 118(3)	s. 158(1)
s. 119(1)	s. 159(1)
	s. 159(3)
	s. 160(4)
	s. 161(7)

- (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. 14ADE(4)	r. 14AE(3)
r. 14AE(1)	r. 14AG(1a)
r. 14AE(2)	r. 23(3)

- (4) For the purposes of section 167(2)(a), an offence against a provision listed in the Table is a prescribed offence.

**Table**

<i>Liquor Control (Bayulu Restricted Area) Regulations 2010 regulation 7(1)</i>
<i>Liquor Control (Irrungadji Restricted Area) Regulations 2010 regulation 7(1)</i>
<i>Liquor Control (Jigalong Restricted Area) Regulations 2009 regulation 7(1)</i>
<i>Liquor Control (Juwurlinji Restricted Area) Regulations 2009 regulation 7(1)</i>
<i>Liquor Control (Koongie Park Restricted Area) Regulations 2010 regulation 7(1)</i>
<i>Liquor Control (Kunawarritji Restricted Area) Regulations 2011 regulation 7(1)</i>

<i>Liquor Control (Kundat Djaru Restricted Area) Regulations 2010 regulation 7(1)</i>
<i>Liquor Control (Looma Restricted Area) Regulations 2011 regulation 7(1)</i>
<i>Liquor Control (Nicholson Block Restricted Area) Regulations 2010 regulation 7(1)</i>
<i>Liquor Control (Noonkanbah Restricted Area) Regulations 2009 regulation 7(1)</i>
<i>Liquor Control (Oombulgurri Restricted Area) Regulations 2008 regulation 7(1)</i>
<i>Liquor Control (Pandanus Park Restricted Area) Regulations 2011 regulation 7(1)</i>
<i>Liquor Control (Punmu Restricted Area) Regulations 2010 regulation 7(2)</i>
<i>Liquor Control (Wangkatjungka Restricted Area) Regulations 2008 regulation 7(1)</i>
<i>Liquor Control (Yakanarra Restricted Area) Regulations 2010 regulation 7(1)</i>

*[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; 1 May 2009 p. 1438; 24 Jul 2009 p. 2949 and p. 2952; 28 May 2010 p. 2301; 8 Jun 2010 p. 2619; 17 Sep 2010 p. 4762, 4765 and 4768; 3 Dec 2010 p. 6060 and 6063; 3 May 2011 p. 1600; 27 May 2011 p. 1932 and 1935; 3 Jun 2011 p. 1998 and 2001; 7 Oct 2011 p. 4069.]*

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

**Schedule 1**

[Regulation 3]

**Forms**

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

**Form 19**

Liquor Control Act 1988<sup>2</sup>

[Regulation 19(1)]

**Application Form for Liquor Subsidy**  
(WA Producers Only)

<b>1. CLAIM FOR THE MONTH/PERIOD OF:</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; height: 20px;"></td> <td style="width: 30%; height: 20px;"></td> </tr> <tr> <td style="text-align: center;">Month/Quarter</td> <td style="text-align: center;">Year</td> </tr> </table>			Month/Quarter	Year				
Month/Quarter	Year								
<b>2. AUSTRALIAN BUSINESS NUMBER:</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="height: 20px;"></td> </tr> </table>								
<b>3. LIQUOR LICENCE NUMBER:</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> </tr> </table>								
<b>4. NAME OF PREMISES:</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="height: 20px;"></td> </tr> </table>								
<b>5. NAME OF LICENSEE:</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="height: 20px;"></td> </tr> </table>								
<b>ADDRESS OF LICENSED PREMISES:</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="height: 20px;"></td> </tr> <tr> <td style="height: 20px;"></td> </tr> <tr> <td style="height: 20px;"></td> </tr> </table>								
	Postcode								
<b>6. AMOUNT OF SUBSIDY CLAIM:</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 5px;">(a) WET subsidy claimable for Cellar door sales to persons other than liquor merchants (including sales made in a restaurant on the licensed premises). .....</td> <td style="width: 30%; text-align: center; vertical-align: bottom;">\$</td> </tr> <tr> <td style="padding: 5px;">(b) WET subsidy claimable for Mail Order Sales. ....</td> <td style="text-align: center; vertical-align: bottom;">\$</td> </tr> <tr> <td style="padding: 5px;">(c) WET subsidy claimable for Tastings, promotions and donations for which no charge has been made. ....</td> <td style="text-align: center; vertical-align: bottom;">\$</td> </tr> <tr> <td style="padding: 5px;"><b>TOTAL FOR THIS PERIOD:</b></td> <td style="text-align: center; vertical-align: bottom;">\$</td> </tr> </table>	(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. ....	\$	(c) WET subsidy claimable for Tastings, promotions and donations for which no charge has been made. ....	\$	<b>TOTAL FOR THIS PERIOD:</b>	\$
(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. ....	\$								
(c) WET subsidy claimable for Tastings, promotions and donations for which no charge has been made. ....	\$								
<b>TOTAL FOR THIS PERIOD:</b>	\$								
<i>(a) + (b) + (c) = Total for this period</i>									

**Liquor Control Regulations 1989**  
**Schedule 1 Forms**

**Form 19A**

**7. ADJUSTMENTS (IF APPLICABLE):**

(e) Amount overpaid/underpaid for the month of .....	\$
<b>TOTAL AMOUNT CLAIMED:</b>	\$

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

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

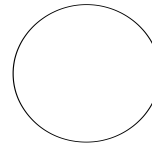
**8. DECLARATION:** I, \_\_\_\_\_ certify that:  
 name of licensee

- (a) I am the licensee of the above named premises; and
- (b) the claim I am making for liquor subsidy is complete, true and correct; and
- (c) the claim I am making is honestly based on my WET obligations; and
- (d) I have all the necessary records to provide information to substantiate my claim; and
- (e) I will provide information to substantiate my claim, if requested, at any time by the relevant authorities; and
- (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:



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: \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>	<b>DATE RECEIVED:</b> ___/___/___	<b>AMOUNT PAYABLE: \$</b>
	<b>DATE PAID:</b> ___/___/___	<b>PAYMENT DETAILS:</b>

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

**Form 19A**

Liquor Control Act 1988<sup>2</sup>

[Regulation 19(1)]

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

1. CLAIM FOR THE MONTH/PERIOD OF:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; height: 20px;"></td> <td style="width: 40%; height: 20px;"></td> </tr> <tr> <td style="text-align: center;">Month/Quarter</td> <td style="text-align: center;">Year</td> </tr> </table>			Month/Quarter	Year				
Month/Quarter	Year								
2. AUSTRALIAN BUSINESS NUMBER:									
3. LIQUOR LICENCE NUMBER:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%; height: 20px;"></td> </tr> </table>								
4. NAME OF PREMISES:									
5. NAME OF LICENSEE: ADDRESS OF LICENSED PREMISES:									
	Postcode								
6. AMOUNT OF SUBSIDY CLAIM:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Low Alcohol Beer</td> <td style="width: 30%;">\$</td> </tr> <tr> <td>Low Alcohol Wine</td> <td>\$</td> </tr> <tr style="background-color: #e0e0e0;"> <td><b>TOTAL FOR THIS PERIOD:</b></td> <td>\$</td> </tr> </table>	Low Alcohol Beer	\$	Low Alcohol Wine	\$	<b>TOTAL FOR THIS PERIOD:</b>	\$		
Low Alcohol Beer	\$								
Low Alcohol Wine	\$								
<b>TOTAL FOR THIS PERIOD:</b>	\$								
7. ADJUSTMENTS (IF APPLICABLE):	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Amount overpaid/underpaid for the month of .....</td> <td style="width: 30%;">\$</td> </tr> <tr style="background-color: #e0e0e0;"> <td><b>TOTAL AMOUNT CLAIMED:</b></td> <td>\$</td> </tr> </table>	Amount overpaid/underpaid for the month of .....	\$	<b>TOTAL AMOUNT CLAIMED:</b>	\$				
Amount overpaid/underpaid for the month of .....	\$								
<b>TOTAL AMOUNT CLAIMED:</b>	\$								

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

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

**Liquor Control Regulations 1989**  
**Schedule 1 Forms**

**Form 19A**

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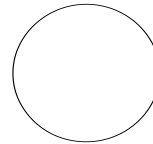
8. **DECLARATION:** I, \_\_\_\_\_ certify that:  
 name of licensee

- (a) I am the licensee of the above named premises; and
- (b) the claim I am making for liquor subsidy is complete, true and correct; and
- (c) I have all the necessary records to provide information to substantiate my claim; and
- (d) I will provide information to substantiate my claim, if requested, at any time by the relevant authorities; and
- (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:



Name and Signature of Director(s)

Common Seal

\_\_\_\_\_  
 Date: \_\_\_ / \_\_\_ / \_\_\_      Ph No: \_\_\_\_\_  
 \_\_\_\_\_  
 Date: \_\_\_ / \_\_\_ / \_\_\_      Ph No: \_\_\_\_\_

**WHERE THE LICENSEE IS ONE OR MORE INDIVIDUAL PERSONS:**

Signature(s)

\_\_\_\_\_  
 Date: \_\_\_ / \_\_\_ / \_\_\_      Ph No: \_\_\_\_\_  
 \_\_\_\_\_  
 Date: \_\_\_ / \_\_\_ / \_\_\_      Ph No: \_\_\_\_\_

<b>FOR OFFICE</b>	<b>DATE RECEIVED:</b> ___ / ___ / ___	<b>AMOUNT PAYABLE: \$</b>
<b>USE ONLY</b>	<b>DATE PAID:</b> ___ / ___ / ___	<b>PAYMENT DETAILS:</b>

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



Form 20

Liquor Control Act 1988<sup>2</sup>

[Section 161]

SEARCH WARRANT

Under section 161 of the *Liquor Control Act 1988*<sup>2</sup> 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.]*

**Form 21**

**Form 21**

<b>Liquor Control Act 1988</b>		Notice No.
<b>Infringement notice</b>		Date of notice
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	Address _____	
	Postcode _____	
	Date of birth _____ Male / Female _____	
Driver's licence No. (if available) _____		
<b>Alleged offence</b>	Description of offence _____	
	<i>Liquor Control Act 1988</i> s. _____	
	<i>Liquor Control Regulations 1989</i> r. _____	
	Location where offence committed	
	Name of premises (if applicable) _____	
	Address _____	
		Postcode _____
Date ____ / ____ /20		Time ____ a.m./p.m.
Modified penalty \$ _____		
<b>Officer issuing notice</b>	Name _____	
	Signature _____	
	Station No. _____	
<b>Notice to alleged offender</b>	<p>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.</p> <p><b>How to pay</b></p> <p><b>By post:</b> 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</p> <p><b>In person:</b> 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.</p> <p><b>If you do not pay</b> the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act your driver's licence and/or vehicle licence may be suspended.</p>	

	<p><b>If you need more time</b> 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.</p> <p><b>If you want this matter to be dealt with by prosecution in court</b>, sign the 'Cashier's Copy' of this notice here</p> <hr/> <p>and post it to the Director of Liquor Licensing at the above postal address within 28 days after the date of this notice.</p>
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*[Form 21 inserted in Gazette 28 Sep 2007 p. 4931.]*

**Form 22**

**Form 22**

<b>Liquor Control Act 1988</b>		Withdrawal No.
<b>Withdrawal of infringement notice</b>		Date of withdrawal
<b>Alleged offender</b>	Name: Family name	
	Given names	
	Address _____ Postcode _____	
<b>Infringement notice</b>	Infringement notice No.	
	Date of issue _____ / _____ /20	
<b>Alleged offence</b>	Description of offence _____	
	<i>Liquor Control Act 1988 s. _____</i>	
	<i>Liquor Control Regulations 1989 r. _____</i>	
	Location where offence committed Name of premises (if applicable) _____ Address _____ Postcode _____	
	Date _____ / _____ /20 Time _____ a.m./p.m.	
<b>Officer withdrawing notice</b>	Director of Liquor Licensing	
	Signature _____	
<b>Withdrawal of infringement notice</b>	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	
	<i>[*delete whichever is not applicable]</i>	Signature _____ / _____ /20

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

## Schedule 2

[Regulation 13]

### Details of applicant

Item	Category of applicant	Details to be provided
1.	Natural person .....	<ul style="list-style-type: none"><li>(a) full name; and</li><li>(b) any other name used now or previously; and</li><li>(c) present residential address; and</li><li>(d) any other residential address in the past 5 years, including dates of each change of address; and</li><li>(e) date and place of birth; and</li><li>(f) citizenship; and</li><li>(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</li><li>(h) present occupation, and name and address of employer; and</li><li><i>[(j) deleted]</i></li><li>(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</li><li>(m) any other involvement in the operation of licences relating to the sale of liquor in the State or elsewhere; and</li><li>(n) any position of authority held in a body corporate concerned with the proposed licence and a description of the position held; and</li><li>(o) the number and nature of any convictions of that person for offences in any jurisdiction; and</li></ul>

<b>Item</b>	<b>Category of applicant</b>	<b>Details to be provided</b>
		<ul style="list-style-type: none"> <li>(p) any proceedings relating to insolvency under administration, within the meaning of the <i>Corporations Act 2001</i> 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</li> <li>(q) any external administration, within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth, of any corporation of which the person is — <ul style="list-style-type: none"> <li>(i) a director; or</li> <li>(ii) where the corporation is a proprietary company, a shareholder,</li> </ul>                     or any such administration pending.                 </li> </ul>
2.	Company .....	<ul style="list-style-type: none"> <li>(a) full name, registered office and address for service of documents; and</li> <li>(b) date and place of incorporation, including a copy of the certificate of incorporation; and</li> <li>(c) any change of the company name during the past 2 years, including the date of any such change of name; and</li> <li>(d) a list of directors; and</li> <li>(e) in respect of each director, the details set out in item 1; and</li> <li>(f) in the case of a proprietary company — <ul style="list-style-type: none"> <li>(i) the full name, residential address and date of birth of each shareholder who is a natural person; and</li> <li>(ii) the full name, date and place of incorporation of each shareholder that is a body corporate;</li> </ul>                     and                 </li> <li>(g) any liquidation, receivership or official management in force or pending in respect of the company; and</li> </ul>

<b>Item</b>	<b>Category of applicant</b>	<b>Details to be provided</b>
		(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.]*

**Schedule 3 — Fees**

[r. 11, 18B and 26]

[Heading inserted in Gazette 19 Nov 2010 p. 5744.]

<b>Item</b>	<b>Description</b>	<b>Fee \$</b>	<b>Electronic lodgment fee \$</b>
1.	Application for the grant or removal of a hotel licence, nightclub licence, casino liquor licence, special facility licence or liquor store licence .....	2 810	2 529
2.	Application for the grant or removal of a club licence, restaurant licence, producer's licence or wholesaler's licence .....	765	688.50
3.	Application for the transfer of a licence .....	765	
4.	Licence fee for any licence other than a club restricted licence .....	510	
5.	Licence fee for a club restricted licence .....	255	
6.	Application for an occasional licence if the anticipated number of patrons is —		
	(a) up to 250 .....	50	
	(b) between 251 and 500 .....	100	
	(c) between 501 and 1 000 .....	205	
	(d) between 1 001 and 5 000 .....	1 020	
	(e) between 5 001 and 10 000 .....	2 040	
	(f) over 10 000 .....	4 085	
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) .....	410	369



Item	Description	Fee \$	Electronic lodgment fee \$
	(b) issued for a purpose referred to in section 60(4)(h) .....	305	274.50
	(c) issued for any other purpose .....	1 020	918
8.	Application for extended trading permit for a period of 21 days or less if the anticipated number of patrons is —		
	(a) up to 500 .....	100	
	(b) between 501 and 1 000 .....	205	
	(c) between 1 001 and 5 000 .....	1 020	
	(d) between 5 001 and 10 000 .....	2 040	
	(e) over 10 000 .....	4 085	
9.	Application for manager's approval —		
	(a) lodged under r. 14ADA(3) .....	165	
	(b) lodged under r. 14ADA(4)(a) .....	55	
	(c) lodged under r. 14ADA(4)(b) .....	15	
10A.	Application for renewal of manager's approval (other than transitioned approval under r. 14ADG) —		
	(a) lodged under r. 14ADD(3)(a) .....	160	
	(b) lodged under r. 14ADD(3)(b) .....	120	
10B.	Application for renewal of manager's approval (transitioned approval under r. 14ADG) —		
	(a) for 1 year —		
	(i) lodged under r. 14ADD(3)(a) .....	70	
	(ii) lodged under r. 14ADD(3)(b) .....	30	

**Liquor Control Regulations 1989**  
**Schedule 3 Fees**

<b>Item</b>	<b>Description</b>	<b>Fee \$</b>	<b>Electronic lodgment fee \$</b>
	(b) for 3 years — (i) lodged under r. 14ADD(3)(a) ..... (ii) lodged under r. 14ADD(3)(b) .....	115 75	
	(c) for 5 years — (i) lodged under r. 14ADD(3)(a) ..... (ii) lodged under r. 14ADD(3)(b) .....	160 120	
10C.	Application for replacement identification card — (a) lodged under r. 14ADF(2)(b)(i) ..... (b) lodged under r. 14ADF(2)(b)(ii) .....	50 10	
10.	Application for approval of person in position of authority — (a) under licence other than club licence or club restricted licence ..... (b) under club licence or club restricted licence .....	140 95	
11.	Application for approval for alteration or redefinition of licensed premises .....	330	297
12.	Application for a protection order under section 87(1) .....	205	
13.	Application for duplicate licence .....	35	
14.	Application for approval of change of name of licensed premises .....	70	

Item	Description	Fee \$	Electronic lodgment fee \$
15.	Application to add, vary or cancel condition of licence or permit (other than club restricted licence) — (a) for a period of over 21 days ..... (b) for a period of 21 days or less if the anticipated number of patrons is — (i) up to 500 ..... (ii) between 501 and 1 000 ..... (iii) between 1 001 and 5 000 ..... (iv) between 5 001 and 10 000 ..... (v) over 10 000 .....	205   100 205 1 020 2 040 4 085	184.50
16.	Application to add, vary or cancel condition of club restricted licence .....	40	
17.	Application under section 62(6) to vary any plans or specifications the subject of a condition .....	245	220.50
18.	Application for approval of agreement or arrangement ..... and for each person who is a party to the agreement or arrangement and in relation to whom a background check is sought from the Police Service .....	205  140	
19A.	Application under section 115AD for review of decision to give notice .....	228	
19B.	Application under section 119A for approval to conduct non-liquor business on licensed premises .....	205	

**Liquor Control Regulations 1989**  
**Schedule 3 Fees**

<b>Item</b>	<b>Description</b>	<b>Fee \$</b>	<b>Electronic lodgment fee \$</b>
19C.	Application under section 152W(3), other than by an occupier of premises, for a liquor restriction declaration in relation to the premises .....	250.00	
19.	Application under section 126A for approval of entertainment for juveniles on licensed premises .....	60	
20.	Application for Proof of Age Card .....	25	
21.	Supply of a list of licensed premises or a list of owners of licensed premises .....	85	
22.	Supply of a list of licensed premises on computer disk .....	55	
23.	Supply of address labels for licensed premises .....	135	
24.	Supply of approved heading for advertising an application .....	25	
25.	Supply of copy of plan — for each sheet .....	25 (up to a max. of 200)	
26.	Supply of certified copy of plan defining licensed premises .....	35	
27.	Supply of copy of a licence, a permit or a decision of the Commission (or the former Liquor Licensing Court) or the Director .....	25	
28.	For the certification of a copy of a licence, a permit or a decision of the Commission (or the former Liquor Licensing Court) or the Director .....	25	
	[In addition to the fee under item 26]		

<b>Item</b>	<b>Description</b>	<b>Fee \$</b>	<b>Electronic lodgment fee \$</b>
29.	Supply of copy of documentation, other than that already prescribed, per page .....	5	
30.	Issue of a summons to a witness .....	20	
31.	For a search of the database of records of licences — per licence .....	35	
32.	For a full search of a licence record .....	50	
33.	For a search of postcodes —		
	(a) 1 to 10 postcodes .....	35	
	(b) more than 10 postcodes .....	75	

*[Schedule 3 inserted in Gazette 19 Nov 2010 p. 5744-7; amended in Gazette 3 Jun 2011 p. 1998-9 and 2001-2; 7 Oct 2011 p. 4070.]*

**Notes**

<sup>1</sup> 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 <sup>1a</sup>. The table also contains information about any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Liquor Licensing Regulations 1989</i> <sup>6</sup>	27 Jan 1989 p. 209-61	1 Feb 1989 (see r. 2 and <i>Gazette</i> 27 Jan 1989 p. 263)
<i>Liquor Licensing (Amendment) Regulations 1990</i>	3 Aug 1990 p. 3791	3 Aug 1990
<i>Liquor Licensing (Amendment) (No. 2) Regulations 1990</i>	24 Aug 1990 p. 4337	24 Aug 1990
<i>Liquor Licensing Amendment Regulations 1991</i> <sup>7</sup>	8 Nov 1991 p. 5768-9	8 Nov 1991
<i>Liquor Licensing Amendment Regulations 1992</i>	21 Feb 1992 p. 933-4	21 Feb 1992
<i>Liquor Licensing Amendment Regulations (No. 2) 1992</i>	20 Nov 1992 p. 5695	1 Jan 1993 (see r. 2)
<i>Liquor Licensing Amendment Regulations 1994</i>	23 Sep 1994 p. 4901	23 Sep 1994
<i>Liquor Licensing Amendment Regulations (No. 2) 1994</i>	30 Dec 1994 p. 7329-30	30 Dec 1994
<i>Liquor Licensing Amendment Regulations 1995</i>	16 May 1995 p. 1859	16 May 1995
<i>Liquor Licensing Amendment Regulations 1996</i>	26 Nov 1996 p. 6629-30	26 Nov 1996
<i>Liquor Licensing Amendment Regulations (No. 2) 1996</i>	3 Dec 1996 p. 6689-91	3 Dec 1996
<b>Reprint of the <i>Liquor Licensing Regulations 1989</i> as at 8 Sep 1997</b> (includes amendments listed above)		
<i>Liquor Licensing Amendment Regulations 1997</i>	14 Nov 1997 p. 6446-8	1 Jan 1998 (see r. 2)
<i>Liquor Licensing Amendment Regulations 1998</i>	30 Jan 1998 p. 559-73 (correction 6 Feb 1998 p. 662)	31 Jan 1998 (see r. 2 and <i>Gazette</i> 30 Jan 1998 p. 577)

Citation	Gazettal	Commencement
<i>Liquor Licensing Amendment Regulations (No. 2) 1998</i>	28 Apr 1998 p. 2198	28 Apr 1998
<i>Liquor Licensing Amendment Regulations (No. 3) 1998</i>	22 May 1998 p. 2940-4	23 May 1998 (see r. 2 and <i>Gazette</i> 22 May 1998 p. 2921)
<i>Liquor Licensing Amendment Regulations (No. 4) 1998</i>	6 Oct 1998 p. 5563-7	6 Oct 1998
<i>Liquor Licensing Amendment Regulations (No. 5) 1998</i>	30 Oct 1998 p. 6015	1 Dec 1998 (see r. 2)
<i>Liquor Licensing Amendment Regulations 1999</i>	30 Apr 1999 p. 1820-1	30 Apr 1999 (see r. 2)
<i>Liquor Licensing Amendment Regulations (No. 2) 1999</i>	31 Aug 1999 p. 4256-9	31 Aug 1999
<i>Liquor Licensing Amendment Regulations (No. 3) 1999</i>	21 Dec 1999 p. 6418-20	1 Jan 2000 (see r. 2)
<b>Reprint of the <i>Liquor Licensing Regulations 1989</i> as at 7 Jan 2000</b> (includes amendments listed above)		
<i>Liquor Licensing Amendment Regulations 2000</i>	12 May 2000 p. 2286	1 Jul 2000 (see r. 2)
<i>Liquor Licensing Amendment Regulations (No. 2) 2000</i>	28 Jul 2000 p. 4029-32	28 Jul 2000
<i>Liquor Licensing Amendment Regulations (No. 3) 2000</i>	29 Sep 2000 p. 5549	30 Sep 2000 (see r. 2 and <i>Gazette</i> 29 Sep 2000 p. 5533)
<i>Liquor Licensing Amendment Regulations 2001</i>	6 Jul 2001 p. 3415	6 Jul 2001
<i>Liquor Licensing Amendment Regulations (No. 2) 2001</i> <sup>8</sup>	17 Jul 2001 p. 3637-8	17 Jul 2001
<i>Corporations (Consequential Amendments) Regulations 2001 Pt. 8</i>	28 Sep 2001 p. 5353-8	15 Jul 2001 (see r. 2 and <i>Cwlth. Gazette</i> 13 Jul 2001 No. S285)
<i>Liquor Licensing Amendment Regulations (No. 3) 2001</i>	2 Oct 2001 p. 5455-7	2 Oct 2001
<i>Liquor Licensing Amendment Regulations (No. 4) 2001</i>	4 Jan 2002 p. 7-15	7 Jan 2002 (see r. 2 and <i>Gazette</i> 4 Jan 2002 p. 3)
<b>Reprint of the <i>Liquor Licensing Regulations 1989</i> as at 8 Mar 2002</b> (includes amendments listed above)		
<i>Liquor Licensing Amendment Regulations 2002</i>	28 Jun 2002 p. 3105-6	1 Jul 2002 (see r. 2)
<i>Liquor Licensing Amendment Regulations (No. 2) 2002</i>	22 Oct 2002 p. 5254-5	22 Oct 2002

## Liquor Control Regulations 1989

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



<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Liquor Licensing Amendment Regulations 2006</i>	14 Feb 2006 p. 695-6	14 Feb 2006
<i>Liquor Licensing Amendment Regulations (No. 2) 2006</i>	14 Nov 2006 p. 4734-5	1 Jan 2007 (see r. 2)
<i>Liquor Licensing Amendment Regulations 2007</i>	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 <i>Gazette</i> 20 Jul 2007 p. 3629)
<b>Reprint 6: The Liquor Control Regulations 1989 as at 6 Jul 2007</b> (includes amendments listed above except those in the <i>Liquor Licensing Amendment Regulations 2007</i> r. 18 and 19)		
<i>Liquor Control Amendment Regulations (No. 2) 2007</i> <sup>10</sup>	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))
<i>Liquor Control Amendment Regulations (No. 5) 2007</i>	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))
<i>Liquor Control Amendment Regulations (No. 3) 2007</i>	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))
<i>Liquor Control Amendment Regulations (No. 2) 2008</i>	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))
<i>Liquor Control Amendment Regulations 2008</i>	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))
<b>Reprint 7: The Liquor Control Regulations 1989 as at 4 Jul 2008</b> (includes amendments listed above)		
<i>Liquor Control Amendment Regulations (No. 3) 2008</i>	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))

## Liquor Control Regulations 1989

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Liquor Control Amendment Regulations (No. 4) 2008</i>	28 Oct 2008 p. 4729-31	r. 1 and 2: 28 Oct 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2009 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 5) 2008</i>	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))
<i>Liquor Control Amendment Regulations (No. 8) 2008</i>	6 Feb 2009 p. 247-8	r. 1 and 2: 6 Feb 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Feb 2009 (see r. 2(b))
<i>Liquor Control Amendment Regulations 2009</i>	13 Mar 2009 p. 763-4	r. 1 and 2: 13 Mar 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Mar 2009 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 2) 2009</i>	1 May 2009 p. 1437-8	r. 1 and 2: 1 May 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 2 May 2009 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 6) 2009</i>	9 Jun 2009 p. 1927-8	r. 1 and 2: 9 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Jun 2009 (see r. 2(b)(i))
<b>Reprint 8: The Liquor Control Regulations 1989 as at 3 Jul 2009</b> (includes amendments listed above)		
<i>Liquor Control Amendment Regulations (No. 3) 2009</i>	24 Jul 2009 p. 2949	r. 1 and 2: 24 Jul 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Jul 2009 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 4) 2009</i>	24 Jul 2009 p. 2952	r. 1 and 2: 24 Jul 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Jul 2009 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 7) 2009</i>	20 Nov 2009 p. 4662-6	r. 1 and 2: 20 Nov 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2010 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 8) 2009</i>	15 Jan 2010 p. 70-2	r. 1 and 2: 15 Jan 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Jan 2010 (see r. 2(b))

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Liquor Control Amendment Regulations 2010</i>	2 Mar 2010 p. 833-4	r. 1 and 2: 2 Mar 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Mar 2010 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 2) 2010</i>	28 May 2010 p. 2301	r. 1 and 2: 28 May 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 29 May 2010 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 3) 2010</i>	8 Jun 2010 p. 2619	r. 1 and 2: 8 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Jun 2010 (see r. 2(b))
<b>Reprint 9: The Liquor Control Regulations 1989 as at 18 Jun 2010</b> (includes amendments listed above)		
<i>Liquor Control Amendment Regulations (No. 6) 2010</i>	17 Sep 2010 p. 4762	r. 1 and 2: 17 Sep 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Sep 2010 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 5) 2010</i>	17 Sep 2010 p. 4765	r. 1 and 2: 17 Sep 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Sep 2010 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 7) 2010</i>	17 Sep 2010 p. 4768	r. 1 and 2: 17 Sep 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Sep 2010 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 4) 2010</i>	22 Oct 2010 p. 5225-9	r. 1 and 2: 22 Oct 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Oct 2010 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 10) 2010</i>	19 Nov 2010 p. 5743-7	r. 1 and 2: 19 Nov 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2011 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 8) 2010</i>	3 Dec 2010 p. 6059-60	r. 1 and 2: 3 Dec 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Dec 2010 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 9) 2010</i>	3 Dec 2010 p. 6062-3	r. 1 and 2: 3 Dec 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Dec 2010 (see r. 2(b))

## Liquor Control Regulations 1989

Citation	Gazettal	Commencement
<i>Liquor Control Amendment Regulations (No. 2) 2011</i>	3 May 2011 p. 1600	r. 1 and 2: 3 May 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 4 May 2011 (see r. 2(b))
<i>Liquor Control Amendment Regulations 2011</i>	27 May 2011 p. 1931-2	r. 1 and 2: 27 May 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 28 May 2011 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 7) 2011</i>	27 May 2011 p. 1934-5	r. 1 and 2: 27 May 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 28 May 2011 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 3) 2011</i>	3 Jun 2011 p. 1994-2002	Pt. 1: 3 Jun 2011 (see r. 2(a)); Regulations other than Pt. 1: 7 Jun 2011 (see r. 2(b) and <i>Gazette</i> 3 Jun 2011 p. 1975)
<i>Liquor Control Amendment Regulations (No. 5) 2011</i>	15 Jul 2011 p. 2955-66	r. 1 and 2: 15 Jul 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Jul 2011 (see r. 2(b))
<b>Reprint 10: The <i>Liquor Control Regulations 1989</i> as at 16 Sep 2011</b> (includes amendments listed above)		
<i>Liquor Control Amendment Regulations (No. 8) 2011</i>	27 Sep 2011 p. 3847-8	r. 1 and 2: 27 Sep 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Sep 2011 (see r. 2(b))
<i>Liquor Control Amendment Regulations (No. 6) 2011</i>	7 Oct 2011 p. 4068-70	r. 1 and 2: 7 Oct 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Oct 2011 (see r. 2(b) and <i>Gazette</i> 7 Oct 2011 p. 4067)

<sup>1a</sup> 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
<i>Liquor Control Amendment Regulations (No. 9) 2011</i> r. 3-5 <sup>11</sup>	4 Nov 2011 p. 4640-4	1 Jan 2012 (see r. 2(b))

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- <sup>2</sup> 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).
- <sup>3</sup> Repealed by the *Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006* (Cwlth).
- <sup>4</sup> Repealed by the *Aged Care Amendment Act 2011* (Cwlth).
- <sup>5</sup> Commenced 7 May 2007.
- <sup>6</sup> Now known as the *Liquor Control Regulations 1989*; citation changed (see note under r. 1).
- <sup>7</sup> Disallowed on 26 Apr 1992, see *Gazette* 1 May 1992 p. 1844.
- <sup>8</sup> The *Liquor Licensing Amendment Regulations (No. 2) 2001* r. 2(3) and (4) are transitional provisions that are of no further effect.
- <sup>9</sup> 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.
- <sup>10</sup> 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 <sup>2</sup> above).
- <sup>11</sup> On the date as at which this compilation was prepared, the *Liquor Control Amendment Regulations (No. 9) 2011* r. 3-5 had not come into operation. They read as follows:

**3. Regulations amended**

These regulations amend the *Liquor Control Regulations 1989*.

**4. Regulation 26 amended**

- (1) In regulation 26(1) delete “Except as stated in subregulation (2A), the fees” and insert:

The fees

- (2) In regulation 26(1aa):

- (a) in paragraph (a) delete “\$205; or” and insert:

\$250; or

- (b) in paragraph (b) delete “\$410.” and insert:

\$500.

- (3) Delete regulation 26(2A) and (2B).
- (4) In regulation 26(3) and (4)(b) delete “or (2A)”.

**5. Schedule 3 replaced**

Delete Schedule 3 and insert:

**Schedule 3 — Fees**

[r. 11, 14ADF, 18B and 26]

Item	Description	Fee \$
1.	Application for the grant or removal of a hotel licence, nightclub licence, casino liquor licence, special facility licence or liquor store licence .....	3 100
2.	Application for the grant or removal of a club licence, restaurant licence, producer’s licence or wholesaler’s licence ....	800
3.	Application for the transfer of a licence .....	785
4.	Licence fee for any licence other than a club restricted licence ..	525
5.	Licence fee for a club restricted licence .....	260
6.	Application for an occasional licence if the anticipated number of patrons is —	
	(a) up to 250 .....	50
	(b) between 251 and 500 .....	103
	(c) between 501 and 1 000 .....	210
	(d) between 1 001 and 5 000 .....	1 050
	(e) between 5 001 and 10 000 .....	2 100
	(f) over 10 000 .....	4 205
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) .....	420
	(b) issued for a purpose referred to in section 60(4)(h) .....	315

Item	Description	Fee \$
	(c) issued for any other purpose .....	1 050
8.	Application for extended trading permit (in respect of a licence other than a club restricted licence) for a period of 21 days or less if the anticipated number of patrons is —	
	(a) up to 500 .....	103
	(b) between 501 and 1 000 .....	210
	(c) between 1 001 and 5 000 .....	1 050
	(d) between 5 001 and 10 000 .....	2 100
	(e) over 10 000 .....	4 205
9A.	Application for extended trading permit (in respect of a club restricted licence) for a period of 21 days or less .....	40
9.	Application for manager's approval —	
	(a) lodged under r. 14ADA(3) .....	165
	(b) lodged under r. 14ADA(4)(a) .....	55
	(c) lodged under r. 14ADA(4)(b) .....	15
10A.	Application for renewal of manager's approval (other than transitioned approval under r. 14ADG) —	
	(a) lodged under r. 14ADD(3)(a) .....	160
	(b) lodged under r. 14ADD(3)(b) .....	120
10B.	Application for renewal of manager's approval (transitioned approval under r. 14ADG) —	
	(a) for 1 year —	
	(i) lodged under r. 14ADD(3)(a) .....	70
	(ii) lodged under r. 14ADD(3)(b) .....	30
	(b) for 3 years —	
	(i) lodged under r. 14ADD(3)(a) .....	115
	(ii) lodged under r. 14ADD(3)(b) .....	75
	(c) for 5 years —	
	(i) lodged under r. 14ADD(3)(a) .....	160

<b>Item</b>	<b>Description</b>	<b>Fee \$</b>
	(ii) lodged under r. 14ADD(3)(b) .....	120
10C.	Application for replacement identification card —	
	(a) lodged under r. 14ADF(2)(b)(i) .....	50
	(b) lodged under r. 14ADF(2)(b)(ii) .....	10
10.	Application for approval of person in position of authority —	
	(a) under licence other than club licence or club restricted licence .....	145
	(b) under club licence or club restricted licence .....	100
11.	Application for approval for alteration or redefinition of licensed premises .....	360
12.	Application for a protection order under section 87(1) .....	210
13.	Application for duplicate licence .....	35
14.	Application for approval of change of name of licensed premises .....	70
15.	Application to add, vary or cancel condition of licence or permit (other than club restricted licence) —	
	(a) for a period of over 21 days .....	215
	(b) for a period of 21 days or less if the anticipated number of patrons is —	
	(i) up to 500 .....	103
	(ii) between 501 and 1 000 .....	210
	(iii) between 1 001 and 5 000 .....	1 050
	(iv) between 5 001 and 10 000 .....	2 100
	(v) over 10 000 .....	4 205
16.	Application to add, vary or cancel condition of club restricted licence .....	40
17.	Application under section 62(6) to vary any plans or specifications the subject of a condition .....	250



Item	Description	Fee \$
18.	Application for approval of agreement or arrangement ..... and for each person who is a party to the agreement or arrangement and in relation to whom a background check is sought from the Police Service .....	210     140
19A.	Application under section 115AD for review of decision to give notice .....	228
19B.	Application under section 119A for approval to conduct non-liquor business on licensed premises .....	205
19.	Application under section 126A for approval of entertainment for juveniles on licensed premises .....	60
20.	Application for Proof of Age Card .....	25
21.	Supply of a list of licensed premises or a list of owners of licensed premises .....	85
22.	Supply of a list of licensed premises on computer disk .....	55
23.	Supply of address labels for licensed premises .....	135
24.	Supply of approved heading for advertising an application .....	25
25.	Supply of copy of plan — for each sheet .....	25 (up to a max. of 200)
26.	Supply of certified copy of plan defining licensed premises .....	35
27.	Supply of copy of a licence, a permit or a decision of the Commission (or the former Liquor Licensing Court) or the Director .....	25
28.	For the certification of a copy of a licence, a permit or a decision of the Commission (or the former Liquor Licensing Court) or the Director .....	25
	[In addition to the fee under item 27]	
29.	Supply of copy of documentation, other than that already prescribed, per page .....	4

<b>Item</b>	<b>Description</b>	<b>Fee \$</b>
30.	Issue of a summons to a witness .....	20
31.	For a search of the database of records of licences — per licence .....	35
32.	For a full search of a licence record .....	50
33.	For a search of postcodes —	
	(a) 1 to 10 postcodes .....	35
	(b) more than 10 postcodes .....	75

## Defined Terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined Term</b>	<b>Provision(s)</b>
accredited higher education course .....	18F(1)
aged person .....	8(2)
agricultural region .....	8D(1)
aggregate amount .....	24(2)
alcohol based food essence .....	4A(2)
alcohol based novelty food item .....	4A(2)
amusement venue .....	9A(19)
anticipated number of patrons .....	3A(1), 14AC(1)
approval application .....	14ADA(1)
approved manager .....	3A(1)
approved operator .....	8(2)
approved VET course.....	18F(1)
approved viticulture course .....	9A(10e)
attendee .....	8B(2)
authorised arrangement .....	8E(1)
bar .....	11(1)
caterer.....	9A(14A)
commencement day .....	14ADG(1)
commercial vessel.....	8(3)
country charter vehicle.....	8F(1)
course of instruction or training .....	9A(10e)
crowd controller .....	18EB(3)
current .....	26(1ab)
current negative determination.....	8A(3)
disabled person.....	8(2)
entertainment.....	8A(1)
farmers' market .....	8D(1)
function .....	8F(1)
higher education course .....	3A(1)
higher education institution .....	3A(1)
host club .....	9G
hostel .....	8(2)
inter-State voyage .....	8(3)
live entertainment.....	8A(1)
lodgment fee.....	26(4)(b)
lodgment period .....	26(4)(a)
manager's approval .....	3A(1)
maximum number of patrons .....	3A(1), 14AC(1)
negative determination .....	8A(1)

**Defined Terms**

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notional wholesale selling price .....	3A(1)
organised function.....	8E(1)
overseas voyage .....	8(3)
permit area .....	14AC(1)
photograph .....	18B(3a), 18C(2)
prescribed permit .....	14AC(1)
primary production.....	8D(1)
producer .....	3A(1)
producers' association.....	8D(1)
purchase .....	5(2)(b)
relevant body corporate.....	5B(2), (3) and (4)(a)
relevant lot .....	11(1)
relevant premises .....	11(1)
renewal application .....	14ADD(1)
responsible adult .....	8A(1), 8F(1)
restricted material.....	8A(1)
retail sale .....	4A(2)
room service restaurant .....	9A(17)
sale .....	5(2)(a)
signature .....	18C(2)
school .....	8F(1)
small charter vehicle .....	8F(1)
special event.....	9A(10e)
specified .....	9A(3)
standard drink.....	8C(1)
tax period .....	3A(1)
tourist .....	9A(9)
transitioned approval.....	14ADG(1)
vocational education and training institution .....	3A(1), 9A(10e)
WA territorial seas .....	8(1a)
WET .....	3A(1)
wholesaler .....	3A(1)
wine produced by a producer .....	21A(3)
worker .....	9A(3)
works canteen.....	9A(3)