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## RACING, GAMING AND LIQUOR

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RA301

Liquor Control Act 1988

### Liquor Control Amendment Regulations (No. 3) 2021

SL 2021/163

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Liquor Control Amendment Regulations (No. 3) 2021*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Liquor Control Amendment Act 2018* section 53 comes into operation.

**3. Regulations amended**

These regulations amend the *Liquor Control Regulations 1989*.

**4. Regulations 16AA to 16AD inserted**

After regulation 16 insert:

**16AA. Quantity and area for offence (Act s. 109A)**

- (1) In this regulation —  
**town** means land that is a townsite as defined in the *Land Administration Act 1997* section 3(1).
- (2) For the purposes of this regulation, a reference to a town means the town and the area within 20 km of the boundaries of that town.
- (3) For the purposes of section 109A(2) of the Act, a kind of liquor specified in the Table, in a quantity corresponding to that kind in the Table, is prescribed for —

- (a) the towns of Broome, Derby, Fitzroy Crossing, Halls Creek, Kununurra and Wyndham; and
- (b) the area within 5 km of an area of the State that is —
  - (i) within the local government district of Broome, Derby-West Kimberly, Halls Creek or Wyndham-East Kimberly; and
  - (ii) declared to be a restricted area for the purposes of section 175(1a) of the Act.

**Table**

<i>Kind of liquor</i>	<i>Quantity of liquor</i>	
	If carried on its own or with 1 other kind of liquor	If carried with 2 or more other kinds of liquor
Liquor, comprising beer, with an alcohol content greater than 2.7% and up to and including 7%	11.25 L	0 L
Liquor, comprising cider, with an alcohol content greater than 2.7% and up to and including 7%	11.25 L	0 L
Any other liquor (including pre-mixed spirits) with an alcohol content greater than 2.7% and up to and including 7%	11.25 L	0 L
Liquor (including wine) with an alcohol content of greater than 7% and up to and including 15%	2.25 L	0 L
Liquor, comprising fortified wine, with an alcohol content greater than 15%	1 L	0 L

<i>Kind of liquor</i>	<i>Quantity of liquor</i>	
	If carried on its own or with 1 other kind of liquor	If carried with 2 or more other kinds of liquor
Any other liquor (including spirits) with an alcohol content greater than 15%	1 L	0 L

**16AB. Persons of prescribed class (Act s. 109A(4)(b))**

For the purposes of section 109A(4)(b) of the Act, the following classes of persons are prescribed —

- (a) persons who are —
  - (i) staying at a place that is at least 40 km from their usual place of residence for a period of at least 1 night; and
  - (ii) intending to stay away from their usual place of residence for a period of less than 12 months; and
  - (iii) not in the course of travelling on a regular journey between their usual place of residence and their place of work or education; and
  - (iv) travelling in the course of a holiday or for leisure, business, to visit friends or relatives, or for any other reason; and
  - (v) not usually residents of the local government district of Broome, Derby-West Kimberly, Halls Creek or Wyndham-East Kimberly;
- (b) farmers, including —
  - (i) holders of pastoral leases (as defined in the *Land Administration Act 1997* section 3(1)); and
  - (ii) owners or operators of businesses involving horticulture, viticulture, apiculture, aquaculture, poultry farming, dairy farming or any other form of agriculture or primary production; and
  - (iii) employees of persons referred to in subparagraphs (i) and (ii);
- (c) operators of, or employees or contractors on, worksites —

- (i) in the mining, energy or infrastructure industries; and
- (ii) on which there are no licensed premises.

**16AC. Vehicles of prescribed class (Act s. 109A(4)(c))**

For the purposes of section 109A(4)(c) of the Act, the following classes of vehicles are prescribed —

- (a) a vehicle being operated by a licensee;
- (b) a vehicle being operated by a person referred to in regulation 16AB;
- (c) a vehicle being driven by a police officer in the course of duty.

**16AD. Prescribed circumstance (Act s. 109A(4)(d))**

For the purposes of section 109A(4)(d) of the Act, the circumstance prescribed is that the liquor was carried in a vehicle in a quantity that does not, for a kind of liquor, exceed the amount calculated using the following formula —

$$A = Q \times O$$

where —

- A is the amount;
- Q is the quantity prescribed under regulation 16AA(3) for the kind of liquor;
- O is —
  - (a) unless paragraph (b) applies, the number of occupants of the vehicle who are legally entitled to purchase liquor;
  - (b) if the number of occupants of the vehicle who are legally entitled to purchase liquor exceeds 5 — 5.

V. MOLAN, Clerk of the Executive Council.

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