
RACING, GAMING AND LIQUOR

RA301

Liquor Control Act 1988

Liquor Control Amendment Regulations 2022

SL 2022/217

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Liquor Control Amendment Regulations 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) Part 2 — on 24 December 2022;
- (c) the rest of the regulations — immediately after the *Racing and Gaming Regulations Amendment (Fees and Charges) Regulations 2022* regulation 13 comes into operation.

3. Regulations amended

These regulations amend the *Liquor Control Regulations 1989*.

Part 2 — Amendments commencing on 24 December 2022

4. Regulation 18EBA amended

In regulation 18EBA delete “in section 115AC(1A),” and insert:

in each of sections 115AC(1A), 152K(1A), 152NZC(1) and 152NZZ(1),

Note: The heading to amended regulation 18EBA is to read:

**Persons prescribed (Act s. 115AC(1A), 152K(1A), 152NZC(1),
152NZZ(1) *secure webpage*)**

5. Regulations 24A to 24C inserted

After regulation 24 insert:

24A. Electronic means of service of documents under Part 5AA of Act (Act s. 152NZQ(4)(c))

For the purposes of section 152NZQ(4)(c), the other electronic means by which a document may be given to a named person are as follows —

- (a) sending a link to a uniform resource locator (URL) from which the document can be accessed or downloaded to an electronic address provided by the named person;
- (b) sending the document, or a link to a uniform resource locator (URL) from which the document can be accessed or downloaded, to a mobile phone number provided by the named person.

24B. Consent to service of documents under Part 5AA of Act (Act s. 152NZQ(5))

- (1) Consent under section 152NZQ(4)(b)(i), (c) or (d) may be given —
 - (a) in writing; or
 - (b) verbally; or
 - (c) by non-verbal actions that a reasonable person would consider to indicate consent (for example, by gestures).
- (2) A person does not give consent under section 152NZQ(4)(b)(i), (c) or (d) merely because the person gives their personal details following a request under section 152NZM(3).
- (3) Consent is taken not to be given under section 152NZQ(4)(b)(i), (c) or (d) if —
 - (a) the named person was coerced or pressured to give consent; or
 - (b) the named person did not have the capacity to give consent (including as a result of a physical or mental disability, illness or impairment); or
 - (c) due to a limited understanding of the language used in communications about consent, the named person did not understand the communications.
- (4) This regulation does not limit the circumstances in which consent is not given.

24C. Time when documents under Part 5AA of Act are served (Act s. 152NZR(6))

- (1) A document served by giving the document to a named person at an electronic address provided by the named person or by the electronic means referred to in regulation 24A(a) is taken to be served on the named person —
 - (a) at the time the document, or the link to a uniform resource locator (URL) from which the document can be accessed or downloaded, is sent to the electronic address; or
 - (b) if it is proved that the document or link was delivered to the electronic address at a different time — at the time at which the document or link was delivered.
- (2) Despite subregulation (1), the document is taken not to be served if the sender receives a notification that delivery has failed or it is proved that the document or link was not delivered to the electronic address.
- (3) A document served by giving the document to a named person by the electronic means referred to in regulation 24A(b) is taken to be served on the named person —
 - (a) at the time the document, or the link to a uniform resource locator (URL) from which the document can be accessed or downloaded, is sent to the mobile phone number; or
 - (b) if it is proved that, due to circumstances outside of the named person's control, the document or link was delivered to the mobile phone number at a different time — at the time at which the document or link was delivered.
- (4) Despite subregulation (3), the document is taken not to be served if it is proved that, due to circumstances outside of the named person's control, the document or link was not delivered to the mobile phone number.

6. Regulation 28 inserted

After regulation 27 insert:

28. Protected entertainment precincts (Act s. 175(1E))

- (1) In this regulation —

Authority means the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5(1);

Deposited Plan, followed by a number, means the deposited plan of that number —

- (a) lodged with the Authority; and
 - (b) approved by an authorised land officer as defined in the *Land Administration Act 1997* section 3(1); and
 - (c) available in electronic form on the Authority's official website.
- (2) Each area of the State described in the Table is a protected entertainment precinct.

Table

Item	Protected entertainment precinct	Area of the State
1.	Fremantle	The area delineated in red and coloured blue on Deposited Plan 425727 version 1.
2.	Hillarys	The area delineated in red and coloured blue on Deposited Plan 425728 version 1.
3.	Mandurah	The area delineated in red and coloured blue on Deposited Plan 425729 version 1.
4.	Perth and Northbridge	The area delineated in red and coloured blue on Deposited Plan 425730 version 1.
5.	Scarborough	The area delineated in red and coloured blue on Deposited Plan 425731 version 1.

- (3) An image of each deposited plan referred to in subregulation (2) is shown, for information purposes only, in Schedule 4.

7. Schedule 3 amended

In Schedule 3 after item 22 insert:

22A.	Application under section 152NH(2) for review of decision to make or vary short-term exclusion order	253.50
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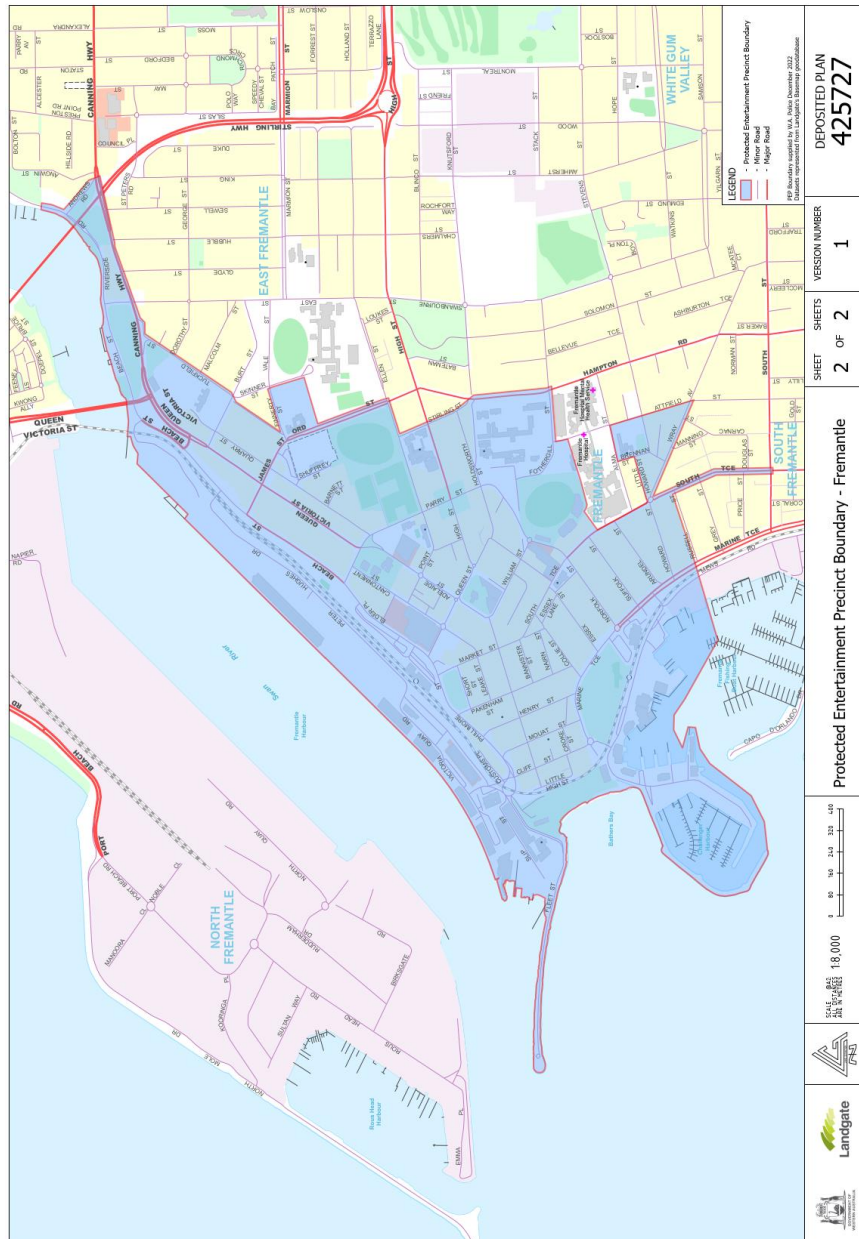
8. Schedule 4 inserted

After Schedule 3 insert:

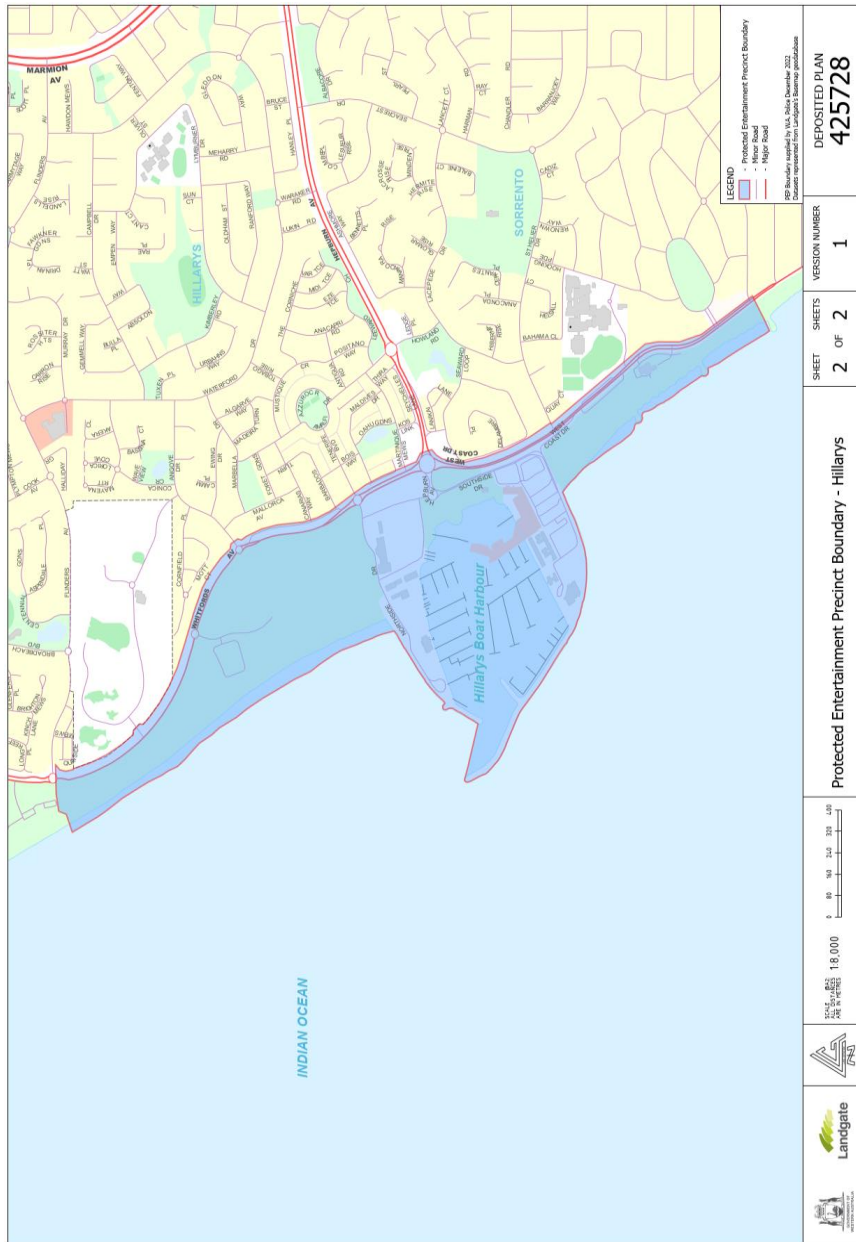
Schedule 4 — Images of deposited plans showing protected entertainment precincts

[r. 28(3)]

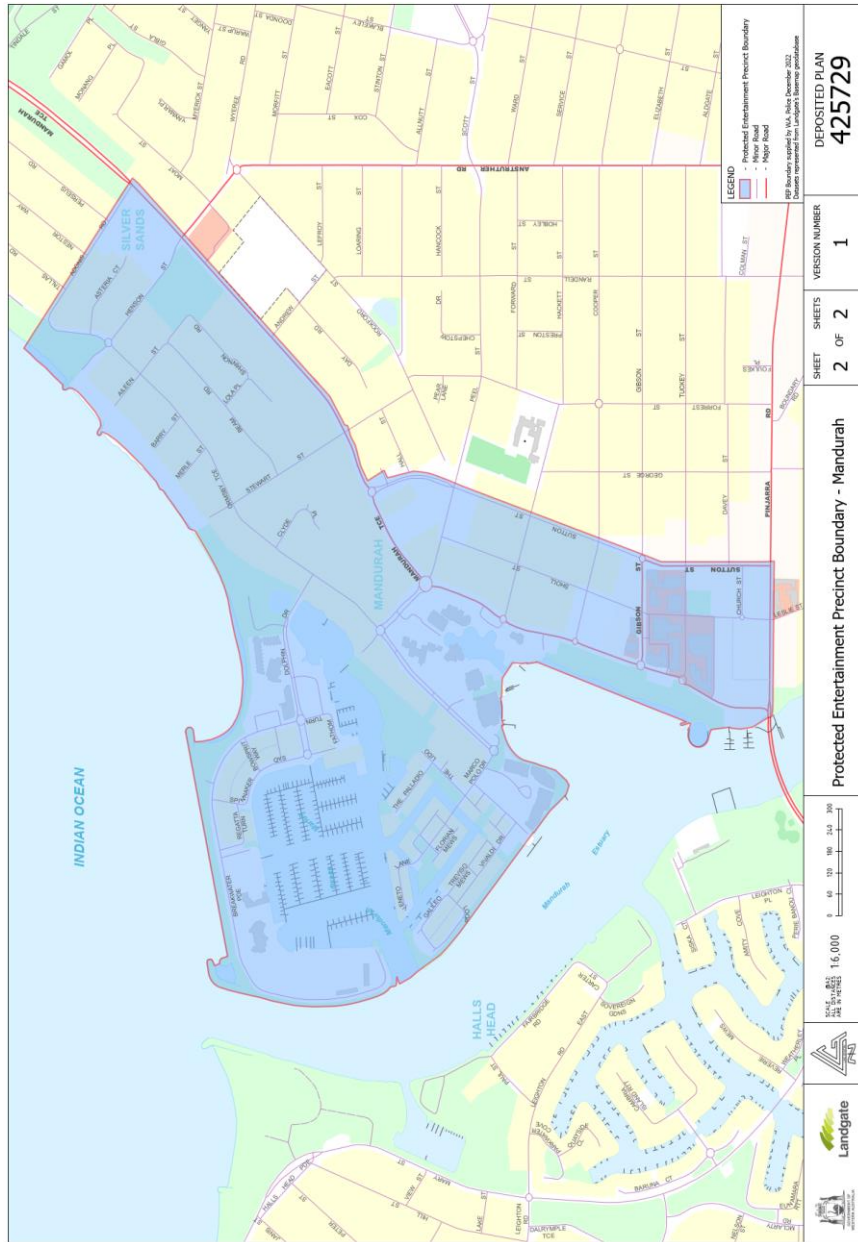
1. Fremantle



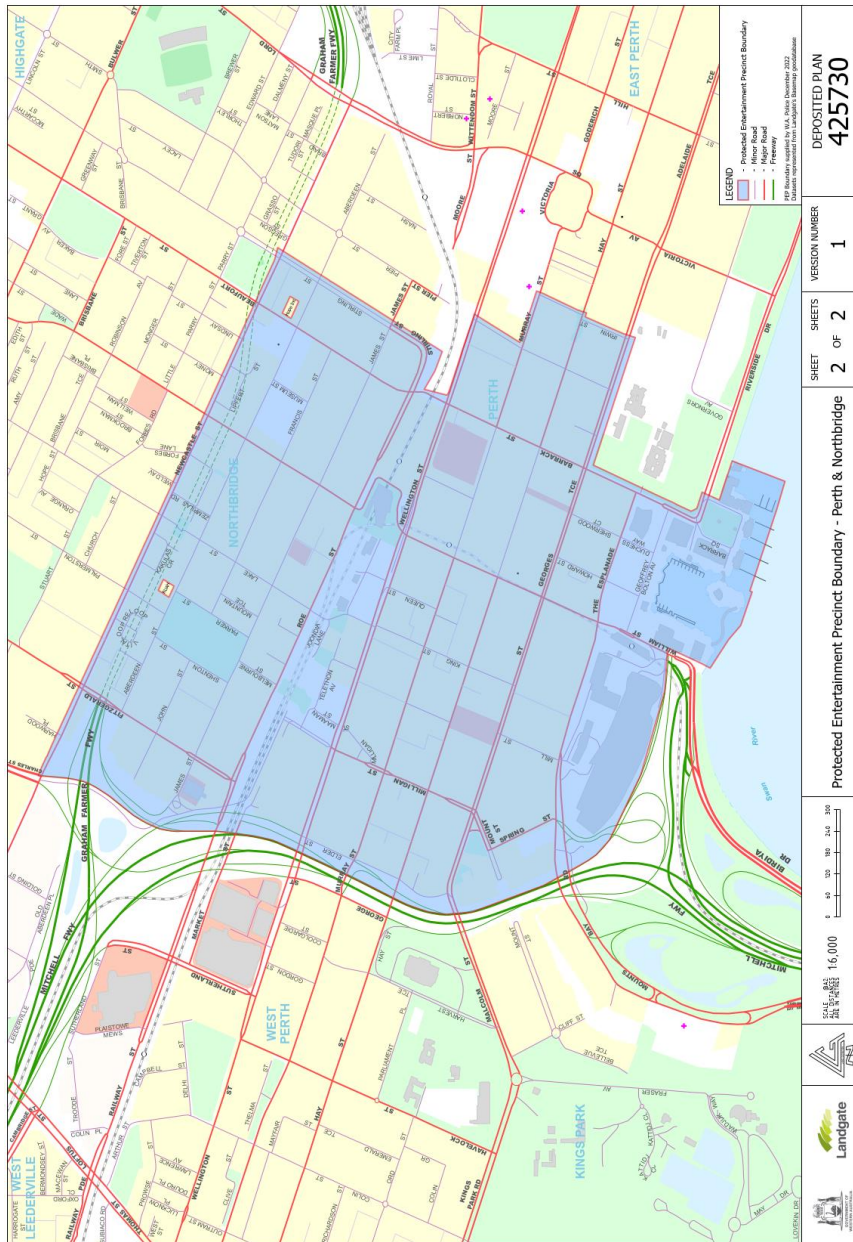
2. Hillarys



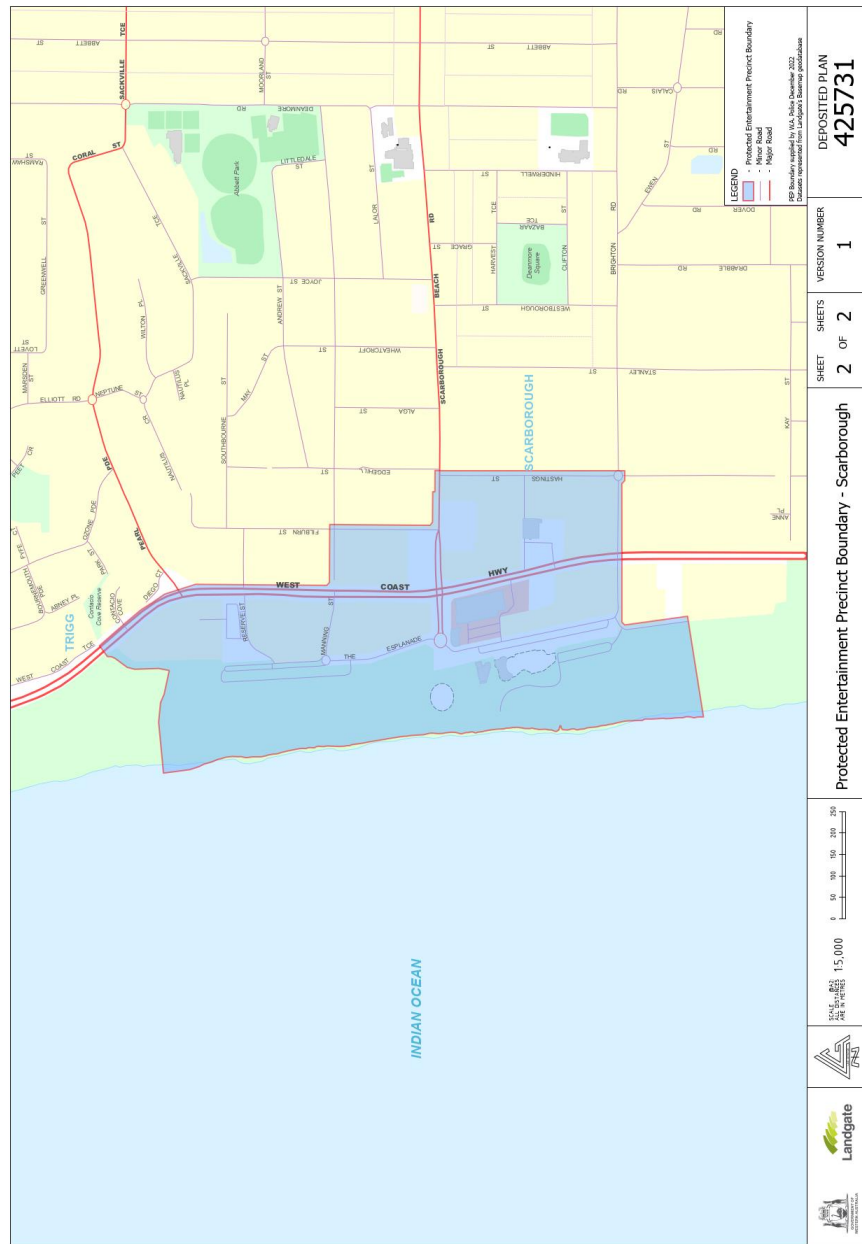
3. Mandurah



4. Perth and Northbridge



5. Scarborough



Part 3 — Amendment commencing immediately after Racing and Gaming Regulations Amendment (Fees and Charges) Regulations 2022 r. 13 commences

9. Schedule 3 amended

In Schedule 3 after item 22 insert:

22A.	Application under section 152NH(2) for review of decision to make or vary short-term exclusion order	264.00
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N. HAGLEY, Clerk of the Executive Council.