



Western Australia

Liquor Control Act 1988

**Liquor Control Amendment Regulations (No. 2)
2023**

Liquor Control Amendment Regulations (No. 2) 2023

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Liquor Control Amendment Regulations (No. 2) 2023

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Liquor Control Amendment Regulations (No. 2) 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published on the WA legislation website;
- (b) Part 2 — on 14 December 2023;
- (c) Part 3 — on 1 January 2024;
- (d) the rest of the regulations — on the day on which the *Liquor Control Amendment (Banned Drinkers Register) Act 2023* section 31 comes into operation.

3. Regulations amended

These regulations amend the *Liquor Control Regulations 1989*.

Part 2 — Amendments commencing when banned drinkers register commences

4. Regulation 3A amended

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

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);

ID system has the meaning given in section 152ZI;

5. Regulation 10C amended

Delete regulation 10C(3)(b) and insert:

- (b) if the delivery is made on the day on which the liquor is purchased — the person is the purchaser or a person nominated by the purchaser; and
- (c) if the delivery is made within a banned drinker area —
 - (i) the person is the purchaser; or
 - (ii) the person is a person nominated by the purchaser who was not a banned drinker when the liquor was purchased.

6. Regulation 18EBB inserted

After regulation 18EBA insert:

18EBB. Prescribed class of persons (Act s. 115AC(1AA)(b))

For the purposes of section 115AC(1AA)(b), a person belongs to a prescribed class of persons if the person is engaged by the Department to create or provide equipment, software, databases or any other thing to be used by responsible persons in identifying persons in relation to whom barring notices are in effect.

7. Regulation 18EB amended

In regulation 18EB(1):

(a) in paragraph (g) delete “licence.” and insert:

licence;

(b) after paragraph (g) insert:

(h) if a responsible person in relation to the licensed premises uses the ID system — the ID system does not operate properly;

(i) if a responsible person in relation to the licensed premises attempts to use the ID system — the ID system is not able to be used (other than because it does not operate properly).

8. Regulation 24AA inserted

After regulation 24 insert:

24AA. Prescribed class of persons (Act s. 152K(2AA)(b))

For the purposes of section 152K(2AA)(b), a person belongs to a prescribed class of persons if the person is engaged by the Department to create or provide equipment, software, databases or any other thing to be used by responsible persons in identifying persons subject to prohibition orders.

9. Regulations 25B and 25C inserted

After regulation 25A insert:

25B. Fee payable for review of decision related to banned drinker orders (Act s. 152YY(1))

- (1) A fee of \$264 is payable to the Commission in respect of an application under section 152YY(1).
- (2) The person liable to pay the fee is the applicant.
- (3) The fee must be paid on the day on which the application is made and, if an application under section 152YY(1) is made without payment of the fee, the application is taken not to have been made until the fee has been paid.
- (4) The Director may reduce, waive or refund, in whole or in part, any fee payable under this regulation.

25C. Disclosure of information about banned drinker order and banned drinker (Act s. 152ZC(2)(d))

For the purposes of section 152ZC(2)(d), Scantek Solutions Pty Ltd (ACN 158 339 514) is prescribed in relation to each banned drinker.

10. Regulation 27 amended

In regulation 27(2) in the Table insert in numerical order:

s. 152ZA(2)

s. 152ZB(1)

s. 152ZD(1)

s. 152ZJ(1)

11. Regulation 28 amended

Delete regulation 28(1).

12. Regulation 29 inserted

After regulation 28 insert:

29. Banned drinker areas (Act s. 175(1G))

- (1) Each area of the State described in the Table, other than an area described in subregulation (2), is a banned drinker area.

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Part 2 Amendments commencing when banned drinkers register commences

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Table

Item	Banned drinker area	Area of the State
1.	Carnarvon and surrounds	The area delineated in blue and coloured blue on Deposited Plan 426604 version 1.
2.	Kalgoorlie and surrounds	The area delineated in blue and coloured blue on Deposited Plan 426610 version 1.
3.	Kimberley region	The area delineated in blue and coloured blue on Deposited Plan 426608 version 1.
4.	Pilbara region	The area delineated in blue and coloured blue on Deposited Plan 426609 version 1.

- (2) For the purposes of subregulation (1), the area is an area in relation to which a special facility licence has been granted in accordance with regulation 9A(1).

Part 3 — Amendments commencing on 1 January 2024

13. Regulation 25B amended

In regulation 25B(1) delete “\$264” and insert:

\$272.50

**Part 4 — Amendments commencing 2 years after
banned drinkers register commences**

14. Regulation 3A amended

In regulation 3A(1) delete the definition of *ID system*.

15. Regulation 10C amended

Delete regulation 10C(3)(b) and (c) and insert:

- (b) if the delivery is made on the day on which the liquor is purchased — the person is the purchaser or a person nominated by the purchaser.

16. Regulation 18EB amended

In regulation 18EB(1):

- (a) in paragraph (g) delete “licence;” and insert:

licence.

- (b) delete paragraphs (h) and (i).

17. Regulations 25B and 25C deleted

Delete regulations 25B and 25C.

18. Regulation 27 amended

In regulation 27(2) in the Table delete:

s. 152ZA(2)

s. 152ZB(1)

s. 152ZD(1)

s. 152ZJ(1)

19. Regulation 29 deleted

Delete regulation 29.

V. MOLAN, Clerk of the Executive Council