Western Australia

Liquor Control Act 1988

Compare between:

[01 Jul 2026, 08-y0-02] and [28 Oct 2026, 08-z0-00]

Western Australia

Liquor Control Act 1988

An Act —

- **to regulate the sale, supply and consumption of liquor; and**
- **to regulate the use of premises on which liquor is sold; and**
- **to regulate the services and facilities provided in conjunction with, or ancillary to, the sale of liquor; and**
- **to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor; and**
- **to provide for orders that may prohibit people from being employed at, or from entering, licensed premises; and**
- **to minimise harm and adverse effects, and public disturbances and disorder, in areas with a concentration of licensed premises, by providing for offences and orders that prohibit people from entering or remaining in those areas; and**
- **to repeal the *Liquor Act 1970*; and**
- **for related matters.**

[Long title inserted: No. 44 of 2022 s. 4.]

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Liquor Control Act 1988*.

[Section 1 amended: No. 73 of 2006 s. 5.]

2. Commencement

The provisions of this Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

3. Terms used

(1) In this Act, unless the contrary intention appears —

advertised application has the meaning given in section 68(3);

approved form means a form approved under section 12;

approved restricted manager means a person approved under section 102B(1)(b);

approved unrestricted manager means a person approved under section 102B(1)(a);

authorised officer means —

(a) the Director; or

(b) an inspector; or

(c) a police officer; or

(d) a designated authorised officer;

authorised person, in relation to licensed or regulated premises, means —

(a) the licensee or occupier of the premises; or

(b) a manager of the premises; or

(c) an employee or agent of the licensee or occupier or a manager; or

(d) a police officer;

banned drinker has the meaning given in section 152YA;

banned drinker area means an area prescribed under section 175(1G);

banned drinker order has the meaning given in section 152YB;

banned drinkers register has the meaning given in section 152Y;

barring notice has the meaning given in section 115AA(2);

beer means liquor of the type known as beer, ale, lager, porter, or stout or any other type of liquor produced by brewing;

business continuity order means an order made under section 87 or 89;

casino, ***casino complex***, ***casino complex agreement***, and ***casino gaming licence*** have the same respective meanings as in the *Casino Control Act 1984*;

casino liquor licence means a licence granted under section 44;

cellar door permit has the meaning given in section 61A(1);

Chief Health Officer has the meaning given in the *Public Health Act 2016* section 4(1);

club licence means a licence granted under section 48, which may be granted without restriction or as a club restricted licence;

club restricted licence means a club licence of the kind referred to in section 48(1);

Commissioner of Police means the Commissioner of Police appointed under the *Police Act 1892* or a police officer authorised to act on behalf of the Commissioner of Police under subsection (6);

condition includes —

(a) a limitation, restriction or prohibition; and

(b) in relation to a licence, any provision of that licence affecting the authorisation conferred,

whether or not it purports to be expressed by way of a condition;

confidential police information means any information or document classified by the Commissioner of Police as confidential under section 17;

consume, in relation to liquor, includes inhale and absorb;

crowd control agent has the same meaning as it has in the *Security and Related Activities (Control) Act 1996* section 34;

crowd controller's licence means a licence issued for the purposes of the *Security and Related Activities (Control) Act 1996* section 37;

decision includes an order, direction or determination;

Department means the department of the Public Service principally assisting in the administration of this Act;

Department's website means a website maintained by or on behalf of the Department;

designated authorised officer means a person —

(a) to whom the Director delegates a function of an authorised officer under section 7; or

(b) who is authorised to perform a function of an authorised officer on behalf of the Director under an agreement under section 8;

dining area means —

(a) a separate room or defined area; or

(b) a clearly distinct part of a separate room or defined area,

used solely or primarily for the supply of meals;

director, in relation to a body corporate, includes —

(a) a member of the board or committee of management of the body corporate; and

(b) a person occupying or acting in a position to which paragraph (a) refers, by whatever name the position is

called and whether or not validly appointed to occupy or duly authorised to act in the position; and

(c) any person in accordance with whose directions or instructions directors of the body corporate are accustomed to act;

Director or ***Director of Liquor Licensing*** means the chief executive officer of the Department;

disqualified means —

(a) in relation to an applicant for a licence — a person to whom section 34(2) applies; and

(b) in relation to the occupier of a position of authority in a body corporate that holds or seeks a licence — a person to whom section 34(2) or an order made under section 96(1)(g) applies;

drunk has the meaning given in section 3A(1);

extended trading permit means a permit issued under section 60;

function means a gathering, occasion or event (including a sporting contest, show, exhibition, trade or other fair, or reception) at which it is proposed that liquor be sold or supplied to those present;

Gaming and Wagering Commission means the Gaming and Wagering Commission established under the *Gaming and Wagering Commission Act 1987*;

general submission has the meaning given in section 76G;

gross turnover, in relation to a licence, means the gross proceeds derived by the licensee from the sale of liquor under the licence;

guest, in relation to licensed premises under a club licence, means a person who not being a member of the club is introduced to the club by a member in accordance with the rules of the club;

hotel licence means a licence granted under section 41, which may be granted without restriction, as a hotel restricted licence, as a tavern licence or tavern restricted licence;

hotel restricted licence means a hotel licence of the kind referred to in section 41(1)(b);

inspector means a person designated as an inspector under section 9;

interested person, in relation to an application, means a person likely to be interested in the application, in the opinion of the Director;

juvenile means a person under the age of 18 years;

kind, in relation to liquor, means one of the following kinds —

(a) wine made from grapes; or

(b) wine not made from grapes; or

(c) spirits; or

(d) beer; or

(e) any other kind prescribed;

lease includes any tenancy or letting of, or licence to occupy, premises, in writing or otherwise and, if in writing, whether by deed or otherwise, and ***lessee*** and ***lessor*** shall be construed accordingly;

licence means a licence granted under this Act;

licence fee means the fee payable for a licence in respect of a licence period or the fee payable in respect of a permit;

licence period, in relation to a licence, means each calendar year during which, or during any part of which, the licence is in force;

licensed premises means the premises specified or defined by the Director in relation to a licence, business continuity order or permit as the building or place to which that licence, order or permit relates;

licensee means a person who holds a licence or permit under this Act, includes a person who is authorised under section 86 or 87 to carry on business under a licence or as if that person were a licensee, and may in accordance with section 101 include a reference to a person appointed or permitted to conduct, supervise or manage the business;

liquor means —

(a) a substance intended for human consumption which at 20° Celsius contains more than 1.15% ethanol by volume, or such other proportion as is prescribed; and

(b) any other substance prescribed as being liquor for the purposes of this Act; and

(c) any thing that, for the purposes of sale, is held out to be such a substance;

liquor merchant means a person who is —

(a) licensed under this Act, otherwise than by an occasional licence only; or

(b) authorised under the law of another State, or of a Territory,

to sell liquor;

liquor store licence means a licence granted under section 47;

lodger means a person residing, whether casually or permanently, on the premises;

manager, in relation to licensed premises, means —

(a) an approved unrestricted manager or approved restricted manager appointed by the licensee of the premises to supervise and manage the premises; or

(b) a person appointed in accordance with section 100(3) to act as a temporary manager of the premises;

meal means food —

(a) that is eaten by a person sitting at a table, or a fixed structure used as a table, with cutlery provided for the purpose of eating the food; and

(b) that is of sufficient substance as to be ordinarily accepted as a meal; and

(c) that may consist of one or more courses,

but does not include any food prescribed not to be a meal;

member, in relation to a club, includes a person who is a member of the club by reason of a reciprocal arrangement with another club made in accordance with the rules of the club;

metropolitan area means —

(a) the region described in the *Planning and Development Act 2005* Schedule 3; and

(b) such other area as may be prescribed;

nightclub licence means a licence granted under section 42;

objection has the meaning given in section 73;

occasional licence means a licence granted under section 59;

official has the meaning given in section 76A;

official submission has the meaning given in section 76;

owner, in relation to licensed premises or regulated premises, means a person —

(a) entitled to the rents or profits of the premises; or

(b) who would be so entitled if the premises were let at a rent; or

(c) who is a mesne lessor of the premises; or

(d) who is attorney or agent for such a person and is capable of giving a valid receipt for the rent, when such a person is absent from the State,

and includes, where the premises are the subject of a contract for sale or assignment, both vendor and purchaser;

packaged liquor means liquor delivered to or on behalf of the purchaser in sealed containers for consumption off the licensed premises;

permit means an extended trading permit issued under section 60;

permitted hours, in relation to licensed premises, means the hours during which the licensee is, under Part 4 Division 1 or the terms and conditions of the licence, authorised to sell liquor;

premises includes —

(a) land; or

(b) a vehicle; or

(c) a part of premises,

and in relation to an application to which section 62 applies includes premises proposed to be erected and premises as proposed to be altered;

prescribed means prescribed in regulations under section 175;

producer's licence means a licence granted under section 55;

proprietary company has the same meaning as it has in the *Corporations Act 2001* of the Commonwealth;

protected entertainment precinct means an area prescribed under section 175(1E);

public authority means any of the following —

(a) a Minister of the State;

(b) an agency or an organisation as those terms are defined in the *Public Sector Management Act 1994* section 3(1);

(c) a body, whether incorporated or not, or the holder of an office, post or position, that is established or continued for a public purpose under a written law;

reception includes a convention, conference, seminar or similar function at which people gather in substantial numbers for a particular purpose (but of which the consumption of liquor is not a predominant purpose);

reception area means a part of any premises on which liquor is supplied for consumption ancillary to a meal but not necessarily during the meal;

record means —

(a) any book, account, document, paper or other source of information compiled, recorded or stored in written form or on microfilm, or by electronic or other means or process; and

(b) the contents (in an intelligible form) of records that are kept by computer or are otherwise kept not in a readily intelligible form; and

(c) any other sources of information prescribed for the purposes of this definition;

regulated premises means premises to which section 122 applies;

related body corporate has the same meaning as it has in the *Corporations Act 2001* of the Commonwealth;

relative, in relation to a licensee, includes a de facto partner of the licensee;

removal, in relation to a licence, has the meaning given in section 31(1)(b);

responsible person, in relation to licensed premises, means —

(a) the licensee or occupier of the premises; or

(b) a manager of the premises; or

(c) an employee or agent of the licensee or occupier or a manager;

restaurant means premises on which meals are, or upon the grant of a licence in relation to the premises are proposed to be, regularly prepared for sale, or supplied, and are eaten;

restaurant licence means a licence granted under section 50;

sample, in relation to a type of liquor, means the prescribed quantity of that type of liquor;

Secretary, in relation to a club, means the principal executive officer of the club, for the time being, by whatever name called and whether or not that person is a member of the club;

sell, in relation to liquor, includes —

(a) agree or attempt to sell; or

(b) offer or expose for the purpose of selling; or

(c) send, forward or deliver for sale or on sale; or

(d) barter or exchange; or

(e) dispose, by lot or chance or by auction; or

(f) supply, or offer, agree or attempt to supply —

(i) in circumstances in which the supplier derives, or would be likely to derive, a direct or indirect pecuniary benefit; or

(ii) gratuitously, but with a view to gaining or maintaining custom or other commercial advantage;

or

(g) authorise, direct, cause or permit to be done any act referred to in this definition,

and includes, in relation to a club, supply to or to the order of members otherwise than by way of sale, but does not in relation to any class of licence include the provision of a free sample authorised by this Act;

ship includes a boat or vessel;

small bar licence means a licence granted under section 41A;

special facility licence means a licence granted under section 46;

spirits means potable spirit which at 20° Celsius contains more than 20.06% ethanol by volume;

submission deadline, for an advertised application, has the meaning given in section 68(4);

substance, in the definition of ***liquor***, includes a vapour;

tavern licence means a hotel licence of the kind referred to in section 41(1)(a);

tavern restricted licence means a hotel licence of the kind referred to in section 41(1)(c);

this Act includes subsidiary legislation made under it;

townsite means a townsite under the *Land Administration Act 1997*;

Tribunal means the State Administrative Tribunal;

trustee means a person appointed under section 35A;

vehicle includes a ship, train or aircraft and any other conveyance used for the carriage of persons;

wholesaler's licence means a licence granted under section 58;

wine includes —

(a) liquor of the type known as mead, cider, cyser, or perry; or

(b) liquor obtained from the alcoholic fermentation of grapes or the must of grapes; or

(c) liquor obtained from the alcoholic fermentation of other fruit, vegetables, berries or honey; or

(d) liquor prescribed as wine,

but does not include liquor which at 20° Celsius contains more than 20.06% ethanol by volume.

(2) For the purposes of this Act, liquor shall not be regarded as having been provided by way of free sample if a charge is made —

(a) for admission to the premises on which the liquor is supplied; or

(b) for the hire of glasses or containers or any device or the use of any facility on the premises; or

(c) for entertainment or refreshments provided on those premises in circumstances in which the provision of entertainment or refreshments is related to the provision of liquor by way of sample, one being incidental or ancillary to the other.

(3) Where a provision of this Act operates by reference to a prescribed minimum quantity of liquor, that provision is taken to allow for a tolerance not exceeding 2% of the quantity so prescribed.

(4) For the purposes of this Act, a person occupies a position of authority in a body corporate if that person —

(a) is a director of the body corporate; or

(b) exercises or exerts, or is in a position to exercise or exert, control or substantial influence over the body corporate in the conduct of its affairs; or

(c) manages, or is to manage, the business of the body corporate to be conducted under a licence; or

(d) occupies a position, in relation to the body corporate, prescribed to be a position of authority,

or, where the body corporate is a proprietary company, if that person is a shareholder in that proprietary company.

(5) A requirement under this Act to provide or produce a record is, where the record is not written or not written in the English language, a requirement to provide or produce a statement, written in the English language, setting forth such of the particulars in the record as are not written or are not written in the English language.

(6) A reference in a provision of this Act to the Commissioner of Police shall include a police officer authorised in writing by the Commissioner of Police to act on his or her behalf for the purposes of this Act, or for the purposes of the particular provision.

(7) In the definitions of ***authorised person*** and ***responsible person*** in subsection (1) —

employee includes —

(a) a person engaged under a contract for services by the licensee or occupier or a manager of licensed or regulated premises; and

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

[Section 3 amended: No. 56 of 1997 s. 26(1), (2) and (3); No. 12 of 1998 s. 5 and 70(5); No. 23 of 2000 s. 4; No. 27 of 2000 s. 9; No. 10 of 2001 s. 220; No. 28 of 2003 s. 105; No. 35 of 2003 s. 173(2); No. 73 of 2006 s. 6 and 106; No. 21 of 2008 s. 675(2); No. 56 of 2010 s. 4, 25, 27 and 35; No. 47 of 2011 s. 27; No. 35 of 2015 s. 4; No. 19 of 2016 s. 162; No. 9 of 2018 s. 4; No. 9 of 2022 s. 424; No. 44 of 2022 s. 5; No. 25 of 2023 s. 4 and 21(1); No. 20 of 2025 s. 4, 7, 48, 63, 69 and 124.]

3A. Term used: drunk

(1) A person is ***drunk*** for the purposes of this Act if —

(a) the person is on licensed premises or regulated premises; and

(b) the person's speech, balance, co-ordination or behaviour appears to be noticeably impaired; and

(c) it is reasonable in the circumstances to believe that that impairment results from the consumption of liquor.

(2) If an authorised officer or a person on whom a duty is imposed under section 115 decides, in accordance with subsection (1), that a person is drunk at a particular time, then, in the absence of proof to the contrary, that person is taken to be drunk at that time.

[Section 3A inserted: No. 73 of 2006 s. 7; amended: No. 20 of 2025 s. 67.]

4. Storing and receiving liquor for licensed premises at other premises; records to be kept

[(1)-(4) deleted]

(5) Where the sale of liquor is authorised under a licence on or from the licensed premises and not otherwise, liquor may be supplied and delivered to the purchaser from the stock of liquor kept on those premises, or on premises to which approval under subsection (6) relates, and not otherwise.

(6) On application by a licensee of a producer's licence, a wholesaler's licence or a special facility licence of a prescribed type, the Director may, in writing, approve premises other than the licensed premises for the purposes of this subsection, and the licensee is then authorised to store liquor on the approved premises and to supply or deliver liquor from those premises, whether or not the licence includes a condition that liquor be sold only on the licensed premises.

(7) A person who is required to make and maintain under this Act records of transactions involving liquor shall record, and in any return under this Act may be required to state —

(a) whenever a delivery of liquor by the licensee was effected otherwise than at the licensed premises; and

(b) the place at which it was delivered.

[Section 4 amended: No. 56 of 1997 s. 27; No. 12 of 1998 s. 6; No. 73 of 2006 s. 8; No. 9 of 2018 s. 5.]

5. Objects of Act

(1) The primary objects of this Act are —

(a) to regulate the sale, supply and consumption of liquor; and

(b) to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor; and

(c) to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.

(2) In performing the Director's functions under this Act, the Director must have regard to the primary objects of this Act and also to the following secondary objects —

(a) to facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State; and

[(b), (c) deleted]

(d) to provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and

(e) to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act; and

(f) to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community.

(3) If, in performing any of the Director's functions under this Act, the Director considers that there is any inconsistency between the primary objects referred to in subsection (1) and the secondary objects referred to in subsection (2), the primary objects take precedence.

(4) The objects in this section do not apply in relation to Part 5AA or the performance of functions under Part 5AA.

Note for this subsection:

The object of Part 5AA is set out in section 152NB.

[Section 5 amended: No. 12 of 1998 s. 7; No. 73 of 2006 s. 9; No. 9 of 2018 s. 6; No. 44 of 2022 s. 6; No. 20 of 2025 s. 67, 124(1) and 125.]

6. Act not to apply in certain cases

(1) Subject to subsection (2), this Act does not apply —

(a) to liquor supplied or consumed as part of a religious service, or sold to a religious organisation or its representative for sacramental or similar religious purposes; or

(b) where liquor is sold or administered for medicinal purposes —

(i) by a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the pharmacy profession; or

(ii) by or on the prescription of a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law or registered under that Law in the medical profession;

or

(c) where liquor is supplied in the course of an educational course, declared by the regulations to be an approved course for the purposes of this section; or

(d) where liquor is sold or consumed in Parliament House, by permission of the proper authority; or

(e) where liquor is sold by, or under the authority of, the Public Transport Authority of Western Australia, under the *Government Railways Act 1904*; or

(f) to the sale or supply of liquor in a Police Force canteen, under the *Police Act 1892*; or

(g) to the sale, by auction —

(i) by any person authorised by the sheriff; or

(ii) by a bailiff; or

(iii) by a police officer,

of liquor taken in execution or seized under, or forfeited by operation of, a written law; or

(h) to the official receiver or trustee in bankruptcy of a bankrupt estate selling liquor that is the property of that estate for the purposes of winding up that estate; or

(j) to an executor or administrator of the estate of a deceased person selling liquor that is the property of that estate for the purposes of winding up that estate; or

(k) to an insurer selling liquor to which title was acquired by virtue of the settlement of a claim made under a policy of insurance, but not by purchase; or

(m) to the sale of distilled spirits in bond, by the occupier of a vineyard to the occupier of another vineyard; or

(n) where the liquor is an allowance supplied to a member of the crew of a ship; or

(o) where the sale or supply of liquor is to, or the consumption of liquor is by, a person who is at least 18 years of age and that sale, supply or consumption is exempted by the regulations from the application of this Act.

(2) An authorised officer may require any person who is in a position to provide information relating to the sale or supply of liquor in circumstances to which subsection (1) is alleged to apply to answer any question put to that person on that subject by the authorised officer, and to produce any record in the possession of that person that relates to any such transaction.

[Section 6 amended: No. 12 of 1998 s. 35(2); No. 31 of 2003 s. 151; No. 35 of 2010 s. 104; No. 56 of 2010 s. 36; No. 25 of 2023 s. 21(1).]

Part 2 — Administration

[Heading inserted: No. 20 of 2025 s. 70.]

7. Delegation

(1) The Director may delegate any function of the Director under another provision of this Act to —

(a) an inspector; or

(b) another person employed or engaged in the Department.

(2) The delegation must be in writing and signed by the Director.

(3) A person to whom a function is delegated under this section cannot delegate the function.

(4) A person performing a function delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.

(5) Nothing in this section limits the ability of the Director to perform a function through an officer or agent.

[Section 7 inserted: No. 20 of 2025 s. 70.]

8. Agreements for performance of functions

(1) The Director may enter into an agreement with a person or body providing for functions of the Director described in the agreement to be performed on behalf of the Director.

(2) A function described in the agreement must be performed —

(a) in accordance with the agreement; and

(b) on and subject to the terms of the agreement.

(3) If the performance of a function depends on the opinion, belief or state of mind of the Director, the function may be performed under the agreement on the opinion, belief or state of mind of —

(a) the person or body with whom the agreement is made; or

(b) another person provided for in the agreement.

(4) For the purposes of this Act or any other written law, anything done by, or in relation to, a person or body in connection with the performance by that person or body under the agreement of a function of the Director has effect as if it had been done by, or in relation to, the Director.

[Section 8 inserted: No. 20 of 2025 s. 70.]

9. Inspectors and designated authorised officers

(1) The Director may designate a person employed or engaged in the Department as an inspector to —

(a) ensure that licensed premises conform to proper standards; and

(b) examine records relating to liquor transactions.

(2) The Director must ensure that each inspector is issued a card (an ***identity card***) that identifies the person as an inspector.

(3) An inspector must —

(a) carry the inspector's identity card when performing a function of an inspector; and

(b) if required to do so by a person in relation to whom the inspector performs the function, produce the inspector's identity card before, or at the time of, performing the function.

(4) In any proceedings, the production of an identity card is evidence of the designation under subsection (1) of the inspector to whom the card relates.

(5) Subsections (2) to (4) apply in relation to a designated authorised officer in the same way they apply in relation to an inspector, and for that purpose a reference in subsections (2) to

(4) to an inspector is taken to be a reference to a designated authorised officer.

[Section 9 inserted: No. 20 of 2025 s. 70.]

10. Obtaining information by notice in writing to determine applications and matters

(1) In this section —

information includes documents, records and evidence.

(2) This section applies if the Director has reasonable grounds to believe a person has information that may assist the Director to determine an application or matter.

(3) The Director may, by notice in writing, require the person to —

(a) give the Director the information specified in the notice within the period specified in the notice; or

(b) appear before the Director, at a time and place specified in the notice, to give the information or answer questions.

(4) The Director may, by notice in writing, require the information to be given —

(a) by statutory declaration; or

(b) on oath or affirmation.

(5) A person given a notice under this section must not, without reasonable excuse, fail to comply with the notice.

Penalty for this subsection: $15 000.

(6) If a person is given a notice under this section —

(a) the person cannot fail to comply with the notice on the ground that the information or answer may tend to incriminate the person or render the person liable to any penalty; but

(b) if the person is an individual — the information or answer given by the person is not admissible in evidence

against the person in any criminal proceedings other than proceedings for perjury or for an offence of providing false or misleading information, or of making a false or misleading statement, under this Act (including proceedings for an offence under section 159(1)).

[Section 10 inserted: No. 20 of 2025 s. 70.]

11. Hearings not required to determine applications and matters

(1) The Director may determine an application or matter without conducting a hearing.

(2) If the Director chooses to conduct a hearing, the procedures in connection with the hearing are, to the extent not provided for under this Act, as determined by the Director.

[Section 11 inserted: No. 20 of 2025 s. 70.]

12. Approved forms

The Director may approve forms for use under this Act.

[Section 12 inserted: No. 20 of 2025 s. 70.]

13. Waiver or modification of procedural requirements

The Director may —

(a) waive or modify a requirement to comply with a procedure relating to an application; and

(b) impose conditions in relation to the waiver or modification.

[Section 13 inserted: No. 20 of 2025 s. 70.]

14. Enforcing monetary penalties

(1) The *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 4 applies to a monetary penalty imposed by the

Director under section 64(7)(b) or 99(7) as if the amount of the penalty were a fine.

(2) However, neither of the following may be issued under that Part in respect of the amount —

(a) a work and development order;

(b) a warrant of commitment.

[Section 14 inserted: No. 20 of 2025 s. 70.]

15. Director to be informed of convictions

The registrar of a court in which a person is a convicted of an offence against this Act must, as soon as practicable after the conviction, give the Director notice in writing of the conviction.

[Section 15 inserted: No. 20 of 2025 s. 70.]

16. Protection from liability

(1) An action in tort does not lie against a person for anything that the person has done, in good faith, in the performance or purported performance of a function under this Act.

(2) The State is not relieved of any liability it might have for another person having done anything as described in subsection (1).

(3) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

[Section 16 inserted: No. 20 of 2025 s. 70.]

17. Confidential police information

(1) For the purposes of this section and sections 18 and 19, the Commissioner of Police may classify any information or document held by the Commissioner of Police as confidential.

(2) The Commissioner of Police may, for the purposes of subsection (3)(f), authorise a person as a person to whom confidential police information may be disclosed.

(3) Despite any other provision of this Act, the Director and the Tribunal must not publish confidential police information or disclose confidential police information to any person except the following —

(a) a court;

(b) the Minister;

(c) the Parliamentary Commissioner for Administrative Investigations appointed under the *Parliamentary Commissioner Act 1971*;

(d) the Corruption and Crime Commission established under the *Corruption, Crime and Misconduct Act 2003*;

(e) the Parliamentary Inspector of the Corruption and Crime Commission appointed under the *Corruption, Crime and Misconduct Act 2003*;

(f) a person to whom the Commissioner of Police authorises disclosure of the confidential police information under subsection (2).

(4) The Commissioner of Police must not delegate a function under this section except to —

(a) a Deputy Commissioner of Police; or

(b) an Assistant Commissioner of Police.

[Section 17 inserted: No. 20 of 2025 s. 70.]

18. Maintaining confidentiality of police information in relation to applications and complaints

(1) If the Commissioner of Police makes an objection to an application solely or partly on the basis of confidential police information, the Director must give the applicant written notice that the Commissioner of Police has made an objection to the

application on the ground that the grant of the application would not be in the public interest.

(2) The Director must give the notice at least 7 days before the Director determines the application.

(3) If the Director or the Commissioner of Police lodges a complaint under section 95 in respect of a person solely or partly on the basis of confidential police information, the complaint need only state that it would not be in the public interest if the person were to be or continue to be licensed or approved, as the case may be.

(4) In determining an application, the Director, the Tribunal or a court —

(a) must, on the application of the Commissioner of Police, take all reasonable steps to maintain the confidentiality of confidential police information, including steps —

(i) to receive evidence and hear argument about confidential police information in private and in the absence of any person (including the applicant and any person who makes an objection to, or an official submission about, the application) other than the Director or the Commissioner of Police or their representatives; and

(ii) to prohibit the publication of evidence about confidential police information;

and

(b) may take evidence consisting of, or relating to, confidential police information by affidavit of a police officer of or above the rank of Superintendent.

[Section 18 inserted: No. 20 of 2025 s. 70.]

19. Decisions based on confidential police information

(1) This section applies to each of the following decisions if the decision is made solely or partly on the basis of confidential police information —

(a) a decision to refuse an application for a licence;

(b) a decision to refuse an application for approval of the transfer of a licence;

(c) a decision under section 33(5) not to approve a person's occupation of a position of authority in a body corporate;

(d) a decision under section 35A(3) not to approve the appointment of a person as a trustee;

(e) a decision under section 102B(1) not to approve a natural person as —

(i) an approved unrestricted manager; or

(ii) an approved restricted manager;

(f) a decision under section 102F(2)(a) or (b) to revoke or suspend a manager's approval;

(g) a decision under Part 5A to make or vary a prohibition order in respect of a person;

(h) a decision under Part 3 Division 13 to take disciplinary action against a person.

(2) The Director and the Tribunal are not required to give reasons for the decision other than that the decision is made in the public interest.

[Section 19 inserted: No. 20 of 2025 s. 70.]

*[**20-30.** Deleted: No. 20 of 2025 s. 70.]*

Part 3 — Licences and permits

Division 1 — General matters

30A. Licences to sell liquor: grant and nature

(1) The Director may grant licences in accordance with this Act.

(2) A licence vests personally in the licensee to whom it is granted, and is not capable of being —

(a) made subject to, or used as security for, any lien, charge or other adverse interest; or

(b) vested in any other person, except in accordance with this Act.

(3) In accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 10 the definition of ***licence*** paragraph (d), a licence granted under subsection (1) that is transferable by the licensee is declared not to be personal property for the purposes of that Act.

[Section 30A inserted: No. 12 of 1998 s. 17; amended: No. 42 of 2011 s. 95; No. 20 of 2025 s. 124(1).]

30B. Power of attorney does not empower donee to act for licensee under this Act

A power of attorney, whether executed before or after the commencement of the *Liquor Licensing Amendment Act 1998*, empowering a person to act for a person who is a licensee does not empower the donee to act for the licensee under this Act and to that extent is of no effect.

[Section 30B inserted: No. 12 of 1998 s. 17.]

31. Licences, generally

(1) In this Act —

(a) an application for approval of the transfer of a licence means an application to vary the licence in respect of

any premises by substituting the name of the transferee for that of a person who holds or has held the licence for the same premises; and

(b) an application for the removal of a licence means an application seeking the variation of the licence so that it no longer has effect in relation to the premises to which it most recently applied and takes effect in relation to other premises.

(2) Where an applicant for approval of the transfer of a licence applies also for the removal of the licence the applications may be dealt with at the same time.

(3) Subject to —

(a) this Act; and

(b) any other written law; and

(c) its conditions,

a licence authorises the holder to sell and supply liquor in accordance with its terms from the buildings or places referred to in the licence or otherwise as provided in the licence but, except to the extent that its terms or conditions may be varied by a permit or otherwise under this Act, in no other manner.

(4) The authorisation conferred by a licence, other than an occasional licence, may be varied by an extended trading permit by —

(a) endorsement on the licence to which it relates; or

(b) a notice setting out the particulars of the variation.

[(5) deleted]

(6) Any term or condition applicable to a licence or permit —

(a) unless imposed by this Act, shall on the grant of the licence or the issue of the permit be included in or endorsed thereon; and

(b) if thereafter imposed, varied (otherwise than pursuant to subsection (4)), or cancelled, shall be evidenced —

(i) by a notice setting out particulars of the term or condition concerned, which shall, unless subsection (7)(a) applies, refer to the licence to which it relates and be served on the licensee; or

(ii) by being endorsed on it or included in a revised version,

as the Director may require.

(7) A notice for the purposes of subsection (4) or (6) —

(a) which is published in the *Gazette* and is (whether or not subject to specified exceptions) of general application, or to apply generally to licences of a specified class or in a specified area, is not required to refer to the particular licence to which it relates or to be served on the licensee; but

(b) shall be signed personally by the Director.

(8) In subsection (7), ***specified*** means specified in the notice published in the *Gazette*.

[Section 31 amended: No. 12 of 1998 s. 18; No. 20 of 2025 s. 67 and 71.]

32. Duration of licences

(1) Subject to subsections (2), (3), (4) and (5), a licence continues in force for all purposes, unless —

(a) surrendered under section 94; or

(b) cancelled by the Director under this Act,

but may be surrendered, as a condition of and on the coming into force of, another licence granted by way of transfer or removal of that licence.

(2) Even if —

(a) the licensee may cease to carry on business under the licence; or

(b) a business continuity order has effect; or

(c) an interim authorisation has effect under section 86,

a licence remains in force, for all other purposes, subject to subsection (1).

(3) A special facility licence expires —

(a) where it is expressed to be granted for a specific period, when that period has elapsed; or

(b) where the Director determines that a special facility licence is no longer necessitated, on a date specified by the Director in a notice in writing given to the licensee.

(4) An occasional licence expires in accordance with its terms, or where the occasion in respect of which it was granted has taken place, or on the period during which it was specified to have effect having elapsed.

(5) A licence the operation of which is suspended continues in force and is capable of being removed or transferred, but does not during the period of suspension authorise the sale of liquor.

(6) The suspension of the operation of a licence does not affect liabilities incurred by the licensee under this Act up to the date on which the suspension takes effect.

[Section 32 amended: No. 12 of 1998 s. 19 and 39(2); No. 73 of 2006 s. 106; No. 20 of 2025 s. 7, 67, 72 and 124(1).]

33. Director's powers when deciding applications

(1) The Director may grant or refuse an application under this Act on any ground, or for any reason, that the Director considers in the public interest.

(2) An application —

(a) may be refused, even if the applicant meets all the requirements of this Act; or

(b) may be granted, even if a valid ground of objection is made out,

but is required to be dealt with on its merits, after such inquiry as the Director thinks fit.

[(3), (4) deleted]

(5) The Director may, on the application of a person who is, or is to be, appointed to a position of authority in a body corporate that holds a licence, approve the occupation of that position in the body corporate by that person.

(6) Where the Director is to determine whether an applicant is a fit and proper person to hold a licence or whether approval should be given to a person seeking to occupy a position of authority in a body corporate that holds a licence, or to approve a natural person as an approved unrestricted manager, an approved restricted manager or a trustee —

(a) the creditworthiness of that person; and

(aa) the character and reputation of that person; and

(b) the number and nature of any convictions of that person for offences in any jurisdiction; and

(c) the conduct of that person in respect to other businesses or to matters to which this Act relates; and

(d) any official submission made under Division 7A Subdivision 3 (other than under section 76F),

are relevant and amongst the matters to which consideration may be given.

(6a) For the purposes of a determination under subsection (6) in respect of a person, the character and reputation of any person suspected by the Director to be associated with that person may be taken to be relevant and amongst the matters to which consideration should be given.

(6b) Unless the Director otherwise approves, a determination cannot be made under subsection (6) that a person —

(a) is a fit and proper person to hold a licence; or

(b) is approved to occupy a position of authority in a body corporate; or

(ca) is approved as an approved unrestricted manager, an approved restricted manager or a trustee,

unless the person has successfully completed —

(c) a course of training or an assessment, approved by the Director, in the management of licensed premises; and

(d) a course of training or an assessment, approved by the Director, in responsible practices in the sale, supply and service of liquor.

(6c) The regulations may modify the operation of subsection (6b) for the purposes of applications for or in respect of an occasional licence.

(6D) For the purposes of subsection (6)(b), the Director may rely on any document issued by the Police Force of Western Australia, the Australian Federal Police or the police force of another State or a Territory that —

(a) sets out the criminal convictions (if any) of the person for offences under the law of the State, the Commonwealth or the other State or a Territory; and

(b) was issued not more than 30 days, or such other prescribed period, before the material time.

(7) Where the Director is to determine whether any premises are of a sufficient standard or suitable for the proper conduct of any business —

(a) the class of licence or kind of permit sought, and the obligations thereby imposed and the accommodation and facilities required; and

(b) the customary requirements of those persons from whom the applicant would ordinarily be expected to derive trade; and

(c) any requirements made known, or reasons appearing, in a certificate under section 39 or section 40; and

(d) any official submission made under Division 7A Subdivision 3 (other than under section 76F),

shall be taken to be relevant and amongst the matters to which consideration should be given.

[Section 33 amended: No. 12 of 1998 s. 20; No. 73 of 2006 s. 28; No. 56 of 2010 s. 6 and 38; No. 20 of 2025 s. 73 and 124(1).]

34. Refusal of certain applications

(1) Subsection (2) applies to an application for —

(a) the grant or removal of a licence; or

(b) approval of the transfer of a licence; or

(c) approval of a person —

(i) as an approved unrestricted manager or an approved restricted manager; or

(ii) as a trustee; or

(iii) as the occupant of a position of authority in a body corporate that holds a licence.

(2) The Director must refuse the application if it is made —

(a) by a person who —

[(i) deleted]

(ii) by reason of mental disorder, is incapable of managing his or her affairs; or

(iii) is, or under any written law is taken to be, under sentence of imprisonment; or

(iv) being a body corporate, is a Chapter 5 body corporate within the meaning of the *Corporations Act 2001* of the Commonwealth; or

(v) is disqualified from holding a licence, or holds a licence which is suspended, pursuant to an order made in disciplinary proceedings under this Act;

or

(b) by a juvenile; or

(c) by a person who —

(i) holds office or is employed in the Public Service of the State or of the Commonwealth, or in any agency or instrumentality of the Crown; or

(ii) is a sheriff's officer, bailiff or other person employed or authorised to execute any legal process,

unless the Director is satisfied that there is no conflict of interest between the applicant's employment and the operation of the licence.

(3) Subsection (4) applies to an application for —

(a) the grant or removal of a licence; or

(b) approval of the transfer of a licence; or

(c) approval of a person —

(i) as a trustee; or

(ii) as the occupant of a position of authority in a body corporate that holds a licence.

(4) The Director must refuse the application if it is made by a person who is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws.

[Section 34 amended: No. 12 of 1998 s. 21 and 97(1); No. 10 of 2001 s. 220; No. 18 of 2009 s. 51; No. 56 of 2010 s. 7 and 25; No. 9 of 2018 s. 15; No. 44 of 2022 s. 10; No. 14 of 2025 s. 8(2); No. 20 of 2025 s. 67 and 124(1).]

35. Persons who may hold licences

(1) A licence may be granted —

(a) to a natural person; or

(b) to a body corporate; or

(c) to an unincorporated body of persons in accordance with section 35A; or

(d) jointly, to 2 or more of the above.

(2) Where a licence is granted to 2 or more persons, those persons are jointly and severally liable —

(a) as licensee; and

(b) in respect of any civil or criminal liability that attaches to the licensee under this Act.

[Section 35 inserted: No. 12 of 1998 s. 22.]

35A. Trustees for unincorporated bodies

(1) If a licence is granted to an unincorporated body of persons who are not joint holders of the licence, then the body must appoint a natural person as a trustee to hold the licence on its behalf.

(2) The body shall use a method of appointing a trustee which is approved in writing by the Director.

(3) A person shall not be appointed as trustee unless the Director is satisfied that the person is a fit and proper person for the position and has approved the appointment of the person in writing.

(4) Subject to section 100, a trustee may be a manager of the licensed premises.

[Section 35A inserted: No. 12 of 1998 s. 22; amended: No. 56 of 2010 s. 25.]

*[**35B.** Deleted: No. 56 of 2010 s. 8.]*

36. Two or more licences for same premises, restrictions on

(1) Subject to subsections (2) and (3), 2 or more licences shall not be granted in respect of the same part of any premises, but licences may be granted in respect of defined separate parts of the same premises.

(2) More than one club restricted licence may be granted in respect of the same premises, subject to section 48(4)(a)(i), where at no time or day do the permitted hours specified in the respective licences coincide or overlap.

(3) In addition to a licence granted in respect of any premises, or a part of any premises, either or both of the following licences may also be granted in respect of those premises or a part of those premises —

(a) an occasional licence;

(b) a licence conditionally granted under section 62.

[Section 36 amended: No. 9 of 2018 s. 16.]

36A. Applications to be refused: sale of packaged liquor from metropolitan petrol stations

(1) In this section —

country townsite means a townsite that is outside the metropolitan area;

packaged liquor outlet means licensed premises from which packaged liquor is sold but does not include premises in respect of which a club licence is in force;

petrol station means a business that involves the retail sale of fuel for road vehicles to people travelling in them, whether or not other goods or services are also sold or supplied to those people.

(2) The Director must refuse an application for the grant or removal of a licence that would authorise the sale of packaged liquor from any premises if there is a petrol station on the premises and the premises are —

(a) in the metropolitan area; or

(b) in, or within a prescribed distance outside, a country townsite in which there is a packaged liquor outlet.

(3) Subsection (2) does not apply in the case of an application for the removal of a licence that is in respect of premises on which there is a petrol station to other premises situated not more than 500 m from the premises from which the licence is sought to be removed.

[Section 36A inserted: No. 23 of 2000 s. 5; amended: No. 9 of 2018 s. 17; No. 20 of 2025 s. 67 and 124(1).]

36B. Restrictions on grant or removal of certain licences authorising sale of packaged liquor

(1) In this section —

local packaged liquor requirements, in relation to an application to which this section applies, means the

requirements of consumers for packaged liquor in the locality in which the proposed licensed premises are, or are to be, situated;

packaged liquor premises means premises to which a licence referred to in subsection (2) relates;

prescribed area means the area prescribed for the purposes of this section;

prescribed distance means the distance prescribed for the purposes of this section;

proposed licensed premises, in relation to an application to which this section applies, means —

(a) if the application is for the grant of a licence — the premises to which the application relates; or

(b) if the application is for the removal of a licence — the premises to which the licence is sought to be removed;

retail section —

(a) in relation to packaged liquor premises — means the part or parts of the premises on which packaged liquor is displayed for the purposes of sale or sold; and

(b) in relation to proposed licensed premises — means the part or parts of the premises on which packaged liquor is to be displayed for the purposes of sale or sold.

(2) This section applies to an application for the grant or removal of any of the following licences —

(a) a hotel licence without restriction;

(b) a tavern licence;

(c) a liquor store licence;

(d) a special facility licence of a prescribed type.

(3) The Director must refuse the application if —

(a) packaged liquor premises are situated less than the prescribed distance from the proposed licensed premises; and

(b) the area of the retail section of those packaged liquor premises exceeds the prescribed area; and

(c) the area of the retail section of the proposed licensed premises exceeds the prescribed area.

(4) The Director must refuse the application unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the proposed licensed premises are, or are to be, situated.

(5) Regulations made for the purposes of the definition of ***prescribed distance*** in subsection (1) may prescribe different distances in relation to packaged liquor premises in different areas of the State.

[Section 36B inserted: No. 9 of 2018 s. 18; amended: No. 20 of 2025 s. 67 and 124(1).]

37. Licences and permits: requirements and conditions

(1A) In this section —

public body means —

(a) an agency or an organisation as those terms are defined in the *Public Sector Management Act 1994* section 3(1); or

(b) a body, whether incorporated or not, or the holder of an office, that is established or continued for a public purpose under a written law and that, under the authority of a written law, performs a statutory function on behalf of the State; or

(c) a local government, regional local government or regional subsidiary; or

(d) any other body, or the holder of an office, post or position, that is prescribed as a public body for the purposes of this definition.

(1) The Director must refuse an application for a licence or permit, or for approval of the transfer of a licence, unless the Director is satisfied —

(a) if the applicant, or one of the applicants, is a natural person — that the applicant is a fit and proper person to be a licensee of the premises to which the application relates; and

(b) if the applicant, or one of the applicants, is a body corporate or a public body —

(i) that each person who occupies a position of authority in the body corporate is a fit and proper person to occupy that position in a body corporate that is a licensee of the premises to which the application relates; and

(ii) that the conduct of business at the premises is, or will be, personally supervised and managed in accordance with section 100;

and

(c) if the applicant is an unincorporated body of persons who will not be joint holders of the licence —

(i) that the persons have a common interest of a political, literary, sporting, social or other lawful nature and that the sale of liquor is incidental to, and not the primary purpose of, so associating; and

(ii) that a trustee is, or will be, appointed in accordance with section 35A;

and

(d) that each person 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 permit is a fit and proper person to be so interested; and

(e) in the case of an application for —

(i) an occasional licence; or

(ii) a special facility licence or an extended trading permit where the Director determines that the requirements, or some of the requirements, of paragraph (f) would not be appropriate,

that the liquor will not be sold or consumed in a place or on premises unsuitable for the purpose; and

(f) except where paragraph (e) applies —

(i) that the premises to which the application relates are, or when constructed will be, of a sufficient standard and suitable for the proper conduct of the business to be carried on there; and

(ii) as to the matters referred to in subsection (2); and

(iii) as to the matters referred to in any certificate required to be produced under section 39 or section 40.

(2A) Where the Director is to determine whether a person is a fit and proper person to occupy a position of authority in an association incorporated, or taken to be incorporated, under the *Associations Incorporation Act 2015* or a public body, the Director may, in the absence of evidence to the contrary, assume that the person is a fit and proper person to occupy that position.

(2) On any application the Director may require to be satisfied that any approval, consent or exemption required —

(a) under the law relating to planning to permit the use of the premises for the sale of liquor; and

(b) under any written law, for the carrying out of building work that is to be carried out before the licence or permit sought takes effect,

has been obtained.

(3) The Director must refuse an application if the Director is satisfied that an undue degree of offence, annoyance, disturbance or inconvenience to —

(a) persons who reside or work in the vicinity of the place or premises to which the application relates; or

(b) persons in, or travelling to or from, an existing or proposed place of public worship, hospital or school,

would be likely to occur.

[(4) deleted]

(5) Every licence, other than a club restricted licence or an occasional licence, is subject to the condition that the licensee occupies, and retains a right to occupy, the licensed premises to the exclusion of others, and —

(a) the Director must refuse an application for the grant or removal of such a licence unless the Director is satisfied that the applicant can, or on the grant of the application will be enabled to, comply with that condition; and

(b) if the licensee ceases to occupy the licensed premises, whether or not to the exclusion of others, the interest of the licensee in the licence terminates.

(6) The condition referred to in subsection (5) continues to apply to a licence during any period that the operation of the licence is suspended.

[Section 37 amended: No. 12 of 1998 s. 23; No. 73 of 2006 s. 30; No. 56 of 2010 s. 9 and 39; No. 30 of 2015 s. 222; No. 26 of 2016 s. 66; No. 20 of 2025 s. 67 and 124(1).]

37A. Duty to inform Director of conviction

(1) This section applies to each of the following persons —

(a) a licensee;

(b) a person who occupies a position of authority in a body corporate that is a licensee;

(c) an approved unrestricted manager;

(d) an approved restricted manager.

(2) A person to whom this section applies who is convicted of an offence in any jurisdiction must inform the Director of the conviction, in writing, within 14 days after the day on which the person is convicted.

Penalty for this subsection: $15 000.

[Section 37A inserted: No. 20 of 2025 s. 8.]

37B. Fingerprints and palm prints may be required

(1) The Director may by notice in writing (an ***identification notice***) require a person to whom subsection (2) or (3) applies to attend at a specified place and there have his or her fingerprints and palm prints taken by a police officer.

(2) This subsection applies to a person who makes an application —

(a) for a licence; or

(b) for approval to occupy a position of authority in a body corporate that is a licensee; or

(c) for approval as an approved unrestricted manager or an approved restricted manager.

(3) This subsection applies to —

(a) a licensee; or

(b) a person who occupies a position of authority in a body corporate that is a licensee; or

(c) an approved unrestricted manager or an approved restricted manager,

whose fingerprints and palm prints have not been taken in accordance with an identification notice given for the purposes of an application referred to in subsection (2).

(4) If a person to whom subsection (2) applies fails to comply with an identification notice, the Director may refuse the relevant application.

(5) If a person to whom subsection (3) applies fails to comply with an identification notice, a proper cause for disciplinary action under section 96 is taken to have been made out in respect of the person.

(6) The Commissioner of Police must cause fingerprints and palm prints taken under this section and any copy of them to be destroyed —

(a) in the case of fingerprints or palm prints taken from a person to whom subsection (2) applies —

(i) if the relevant application is refused; or

(ii) if, after the relevant application is granted, the person ceases to be a licensee, to occupy a position of authority in a body corporate that is a licensee, or to be an approved unrestricted manager or an approved restricted manager;

or

(b) in the case of fingerprints or palm prints taken from a person to whom subsection (3) applies — if the person ceases to be a licensee, to occupy a position of authority in a body corporate that is a licensee, or to be an approved unrestricted manager or an approved restricted manager.

(7) The Director must provide the Commissioner of Police with any information that the Commissioner of Police requires to comply with subsection (6).

[Section 37B inserted: No. 73 of 2006 s. 31; amended: No. 56 of 2010 s. 10; No. 25 of 2023 s. 21(1); No. 20 of 2025 s. 67 and 124(1).]

37C. Register of licensed premises

(1) The Director may keep a register that contains the following information in respect of licensed premises —

(a) the name and address of the premises;

(b) the licence number of the premises;

(c) the type of licence that applies to the premises;

(d) the status of the licence that applies to the premises (for example, whether the licence is conditionally granted or suspended);

(e) the name of the licensee of the premises.

(2) The Director may make the register available to the public in any way the Director considers appropriate, including by publication on the Department's website.

[Section 37C inserted: No. 9 of 2018 s. 19.]

Division 2 — Licences

[Heading inserted: No. 73 of 2006 s. 32.]

38. Certain applications to be refused unless in the public interest

(1) Subsection (2) applies to —

(a) an application for the grant or removal of a licence of a kind prescribed; or

(b) an application for a permit of a kind prescribed; or

(c) any other application to which the Director decides it is appropriate for subsection (2) to apply.

(2) An applicant who makes an application to which this subsection applies must satisfy the Director that granting the application is in the public interest.

(3) For the purposes of subsection (2), the applicant must provide to the Director —

(a) any prescribed document or information; and

(b) any other document or information reasonably required by the Director for those purposes.

(4) Without limiting subsection (2), the matters the Director may have regard to in determining whether granting an application is in the public interest include —

(a) the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor; and

(b) whether the amenity, quiet or good order of the locality in which the licensed premises or proposed licensed premises are, or are to be, situated might in some manner be lessened; and

(c) whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises; and

(ca) any effect the granting of the application might have in relation to tourism, or community or cultural matters; and

(d) any other prescribed matter.

(5) If an application referred to in subsection (1)(a) is refused because the Director is not satisfied that granting the application is in the public interest, an application for the grant or removal of a licence in respect of the same premises or land cannot be made within 3 years after the Director's decision unless the

Director certifies that the proposed application is of a kind sufficiently different from the application that was refused.

[(6) deleted]

(7) If subsection (2) applies to an application, the Director may publish the following on the Department's website —

(a) the application;

(b) any document or information provided under subsection (3) in relation to the application.

[Section 38 inserted: No. 73 of 2006 s. 33; amended: No. 56 of 2010 s. 40; No. 9 of 2018 s. 20; No. 20 of 2025 s. 67, 74 and 124(1).]

39. Certificate of local government as to whether premises comply with laws

(1) An application for the grant or removal of a licence, or for a change in the use or condition of any premises, must be accompanied by a certificate from the local government for the district in which the premises to which the application relates are situated, or are to be situated, unless the Director otherwise determines.

(2) A certificate referred to in subsection (1) shall state —

(a) whether or not the premises comply with all relevant requirements of —

(i) the *Health (Miscellaneous Provisions) Act 1911*; and

(ia) the *Food Act 2008*; and

(ii) any written law applying to the sewerage or drainage of those premises; and

(iii) the *Local Government Act 1995*; and

(iv) the *Building Act 2011*;

and

(b) where the premises do not so comply, the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply.

(3) The Director may, where the Director is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the Director of a certificate referred to in subsection (1).

[Section 39 inserted: No. 12 of 1998 s. 26; amended: No. 43 of 2008 s. 148(2); No. 24 of 2011 s. 165(2); No. 19 of 2016 s. 101; No. 20 of 2025 s. 67, 124(1) and 125.]

40. Certificate of planning authority as to whether use of premises complies with planning laws

(1) An application for the grant or removal of a licence, or for a change in the use or condition of any premises must be supported by a certificate from the authority responsible for planning matters in the district in which the premises to which the application relates are situated, or are to be situated, unless the Director otherwise determines.

(2A) The certificate referred to in subsection (1) is not required to be provided at the same time as the application but the application cannot be granted until the certificate has been provided to the Director, unless the Director otherwise determines.

(2) A certificate referred to in subsection (1) shall state that the proposed use of the premises —

(a) will comply with the requirements of the written laws relating to planning specified; or

(b) would comply with the requirements specified if consent were to be given by a specified authority, if it is known whether that authority will give the consent, and what specified conditions or specifications should be, or are likely to be, imposed; or

(c) will not comply with the requirements specified for the reasons specified.

(3) In this section —

specified means specified in the planning certificate.

(4) The Director may, where the Director is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the Director of a certificate referred to in subsection (1).

[Section 40 inserted: No. 12 of 1998 s. 26; amended: No. 38 of 2005 s. 15; No. 35 of 2015 s. 5; No. 20 of 2025 s. 67, 124(1) and 125.]

41. Hotel licence: kinds, effect and conditions

[(1aa) deleted]

(1) For the purposes of this Act —

(a) where a hotel licence is not subject to any condition referred to in subsection (4) it shall be referred to as a tavern licence; and

(b) where a hotel licence is subject to a condition —

(i) prohibiting the sale of packaged liquor to persons other than lodgers; and

(ii) restricting the sale of liquor to be consumed on the licensed premises,

it shall be referred to as a hotel restricted licence; and

(c) where a tavern licence is subject to a condition —

(i) prohibiting the sale of packaged liquor; and

(ii) restricting the sale of liquor to be consumed on the licensed premises,

it shall be referred to as a tavern restricted licence,

and an application may be made for a tavern licence or a tavern restricted licence if the applicant does not seek a licence for a hotel offering accommodation, or for a hotel restricted licence only.

(2) Subject to this Act, during permitted hours the licensee of a hotel licence is authorised to keep open the licensed premises, or part of those premises, and, while those premises are open —

(a) may sell liquor on the premises to any person for consumption on the premises; and

(b) may, unless the licence is a hotel restricted licence or a tavern restricted licence, sell packaged liquor on and from the premises to any person.

(3) At a time when a sale of packaged liquor to any other person would not be within permitted hours, the authority to sell packaged liquor to a lodger extends only to such quantities as might reasonably be consumed by the lodger on that day.

(4) Unless it is a tavern licence, a hotel licence —

(a) subject to subsection (5) and to any variation under subsection (6), is subject to the condition that the licensee provides guest accommodation for any person; and

(b) subject to subsection (5) and without limiting section 64, is subject to any condition imposed by the Director requiring meals to be provided to lodgers.

(5) A licensee is not required to comply with a condition of the kind referred to in subsection (4) if —

(a) the person seeking the guest accommodation or, if applicable, the meal, is a person who may be refused entry to the licensed premises by the licensee under section 115(4); or

(b) the licensee has no available accommodation, or can not provide a meal, by reason of prior bookings; or

(c) some other proper reason exists.

(6) Where the Director is satisfied —

(a) that there is not, at any time or during any specific period, a significant need for guest accommodation in the locality; or

(b) that, despite the existence of such a need, adequate guest accommodation is available to the public; or

(c) that circumstances that would justify a temporary removal of the licence or redefinition of the licensed premises exist,

and that in consequence no useful purpose will be served by the continuance, or the continuance during that period, of a requirement to provide guest accommodation, the Director may, on application, vary the conditions of a hotel licence so as to reduce the extent of the accommodation required or the times at which it is to be provided or may order that, either permanently or at specified times, the licence shall have effect as a tavern licence or a tavern restricted licence.

(7) Where the Director is satisfied that, at any time or during any specific period, there is no significant need to provide for the sale of packaged liquor to persons other than lodgers the Director may, on application, vary the conditions of a hotel licence so that it has effect as a hotel restricted licence.

[Section 41 amended: No. 12 of 1998 s. 27; No. 26 of 2001 s. 4; No. 73 of 2006 s. 34 and 108; No. 56 of 2010 s. 41; No. 9 of 2018 s. 21; No. 20 of 2025 s. 67, 124(1) and 125.]

41A. Effect and conditions of small bar licence

(1) Subject to this Act, the licensee of a small bar licence is, during permitted hours, authorised to sell liquor for consumption on the licensed premises.

(2) A small bar licence is subject to —

(a) a condition prohibiting the sale of packaged liquor; and

(b) a condition limiting the maximum number of persons (excluding responsible persons and authorised officers) who may be on the licensed premises to 150.

[Section 41A inserted: No. 9 of 2018 s. 22; amended: No. 20 of 2025 s. 9.]

41B. Small bar licence may be granted as alternative to tavern restricted licence

(1) If the Director considers it appropriate, the Director may, with the agreement of the applicant, treat an application for a tavern restricted licence as an application for a small bar licence.

(2) Subsection (3) applies to a tavern restricted licence if —

(a) it is subject to a condition limiting the maximum number of persons (excluding responsible persons and authorised officers) who may be on the licensed premises to 150; and

(b) the capacity of the licensed premises is not more than 150 persons.

(3) The Director may, on the Director's own initiative or on the application of the licensee of the licence —

(a) cancel a tavern restricted licence to which this subsection applies; and

(b) grant to the person who was the licensee of the licence a small bar licence in respect of the premises to which the licence related.

(4) If the Director proposes on the Director's own initiative to cancel a tavern restricted licence and grant a small bar licence under subsection (3), the Director must give the licensee of the tavern restricted licence —

(a) a notice that sets out the proposal and the reasons for it; and

(b) a reasonable opportunity to make submissions or to be heard in relation to the proposal.

[Section 41B inserted: No. 9 of 2018 s. 22; amended: No. 20 of 2025 s. 10, 67, 124(1) and 125.]

42. Nightclub licence: effect and conditions

(1) Subject to this Act the licensee of a nightclub licence is, during permitted hours, authorised to sell liquor on the licensed premises, for consumption on the licensed premises only, ancillary to continuous entertainment provided live by one or more artists present in person performing there or by way of recorded music presented personally by a person employed or engaged by the licensee to do so.

(2) For the purpose of determining whether or not entertainment is continuous, no account shall be taken of reasonable intervals between acts, or between the performances of artists, so long as substantial compliance with the requirement for continuity is observed.

(3) Every nightclub licence is subject to the condition that liquor is not permitted to be consumed on the licensed premises except at a time when live entertainment is being provided there and liquor may be lawfully sold under the licence, unless an extended trading permit applies.

[Section 42 amended: No. 73 of 2006 s. 107; No. 20 of 2025 s. 67.]

43. Nightclub licence: requirements

An applicant for the grant of a nightclub licence must satisfy the Director that the premises in respect of which the licence is sought —

(a) are so constructed as to enable entertainment of a kind referred to in section 42 to be provided there; and

(b) are suitable, having regard to any condition imposed as to the nature or extent of the entertainment required to be provided.

[Section 43 amended: No. 73 of 2006 s. 107; No. 20 of 2025 s. 124(1).]

44. Casino liquor licence: effect and conditions

(1) Subject to this Act, a casino licence authorises the licensee, during permitted hours, to do either or both of the following —

(a) sell liquor for consumption —

(i) on the premises at the casino; and

(ii) on other premises within the casino complex concerned or adjacent to that complex, within one or more defined areas as may from time to time be approved by the Director;

(b) supply, without charge, packaged liquor on the premises referred to in paragraph (a) as part of —

(i) an accommodation, restaurant or dining service provided on those premises; or

(ii) a function or promotional activity conducted on those premises.

(2) The terms of, and the conditions imposed in relation to, a casino liquor licence may make differing provisions so as to apply —

(a) as though a defined area were premises to which a hotel licence, or a nightclub licence, or a restaurant licence, or a special facility licence, or an extended trading permit applied; and

(b) at all times, or at a specified time,

by reference to the respective areas defined.

(3) The Director shall not impose or vary a condition, or redefine the area of the licensed premises or approve an alteration to the premises, in relation to a casino liquor licence which has been

granted unless the Gaming and Wagering Commission has been informed of the nature of the application and its proposed effect, has made known its recommendations, and consents to the proposed determination of the Director.

[Section 44 amended: No. 35 of 2003 s. 173(4); No. 73 of 2006 s. 107; No. 9 of 2018 s. 23; No. 20 of 2025 s. 11 and 124(1).]

45. Casino liquor licence: requirements

(1) The Director shall not grant a casino liquor licence unless —

[(a) deleted]

(b) the premises sought to be licensed are premises approved for the purpose by the Gaming and Wagering Commission and are comprised within or are adjacent to the casino complex to which a casino gaming licence relates.

(2) A casino liquor licence shall not be granted otherwise than subject to such conditions as are recommended by the Gaming and Wagering Commission.

(3) The Director shall not grant any authorisation to sell liquor in the casino complex to which a casino gaming licence relates that contravenes, or exceeds the authorisation contemplated by, the casino complex agreement pursuant to which the casino gaming licence was granted.

(4) Where any particular part of the premises to which a casino liquor licence relates constitutes a defined area and those premises by virtue of an order made under section 21F(1b) of the *Casino Control Act 1984* cease to be part of the casino complex the Director shall, on the application of the prospective licensee, but subject to —

(a) the consent of the Gaming and Wagering Commission and of the holder of the casino liquor licence; and

(b) where the Director so requires, the casino liquor licensee having first provided to the Director a return of liquor

purchased or sold and such other records as the Director may require appropriate to the former usage of that defined area up to a date specified by the Director,

grant to the prospective licensee in respect of that defined area a licence under this Act, as may be appropriate having regard to the usage of the area, as though it were a licence the transfer of which to the prospective licensee had been approved by the Director.

[Section 45 amended: No. 12 of 1998 s. 28; No. 35 of 2003 s. 173(4); No. 9 of 2018 s. 24; No. 20 of 2025 s. 124(1).]

46. Special facility licence: requirements

(1) The Director shall not grant a special facility licence except for a prescribed purpose.

(1a) The Director is not to grant a special facility licence only because —

(a) the grant or variation of a licence of another class; or

(b) the imposition, variation or cancellation of a condition on a licence of another class; or

(c) the issue of an extended trading permit in respect of a licence of another class,

is not possible because an approval, consent or exemption required under another written law cannot be obtained.

(2) The Director shall not grant a special facility licence if granting or varying a licence of another class, or imposing, varying or cancelling a condition on a licence of another class, or issuing an extended trading permit in respect of another class of licence, would achieve the purposes for which the special facility licence is sought.

(2a) Subsection (2) applies —

(a) whether or not an application has been made for a grant, variation, imposition, cancellation or issue referred to in that subsection; and

(b) even if such an application has been made and has been refused.

(2b) The application for a special facility licence must demonstrate how the business for which the licence is sought meets any of the prescribed purposes for which a special facility licence may be granted.

(3) If a special facility licence is granted, it must be granted on such terms and conditions as are necessary to ensure that the licence is used only for the prescribed purpose for which it is granted.

(4) The licensee of a special facility licence is authorised to sell liquor in accordance with the terms and conditions of the licence.

(5) At a time when a sale of packaged liquor to any other persons would not be within permitted hours or at a time authorised by the licence, any authority conferred by a special facility licence to sell packaged liquor to a lodger or to any other specified class of person extends only to such quantities as might reasonably be consumed by the person to whom the liquor is sold on that day.

(6) If the Director so approves, section 37(5) or section 38, or both of those provisions, or parts of either of those provisions, do not apply in respect of a special facility licence of a type prescribed.

[Section 46 inserted: No. 12 of 1998 s. 29; amended: No. 26 of 2001 s. 5(1); No. 73 of 2006 s. 35; No. 20 of 2025 s. 124(1).]

46A. Special facility licence: restrictions on variation

(1) The Director is not to vary a special facility licence, or impose, vary or cancel a condition on a special facility licence, if —

(a) granting or varying a licence of another class; or

(b) imposing, varying or cancelling a condition on a licence of another class; or

(c) issuing an extended trading permit in respect of a licence of another class,

would achieve the purposes for which —

(d) the variation of the special facility licence is sought; or

(e) the imposition, variation or cancellation of a condition on the special facility licence is sought.

(2) Subsection (1) applies —

(a) whether or not an application has been made for a grant, variation, imposition, cancellation or issue referred to in paragraph (a), (b) or (c) of that subsection; and

(b) even if such an application has been made and has been refused.

[Section 46A inserted: No. 73 of 2006 s. 36; amended: No. 20 of 2025 s. 124(1).]

46B. Alternatives to granting or varying special facility licences

(1) If the Director does not grant or vary a special facility licence because section 46(2) or 46A(1) applies, the Director may, with the agreement of the applicant, treat the application for, or for the variation of, the special facility licence as an application for —

(a) the grant or variation of a licence of another class; or

(b) the imposition, variation or cancellation of a condition on a licence of another class; or

(c) the issue of an extended trading permit in respect of a licence of another class.

(2) The Director may on the Director's own initiative or on the application of the licensee —

(a) cancel a special facility licence; and

(b) in respect of the premises to which the special facility licence related —

(i) grant to the person who was the licensee a licence of another class; and

(ii) if considered appropriate by the Director, issue to that person an extended trading permit.

(3) If the Director on the Director's own initiative proposes to cancel a special facility licence and grant a licence of another class under subsection (2), the Director —

(a) is to give the licensee a notice that sets out the proposal and the reasons for it; and

(b) is to give the licensee a reasonable opportunity to make submissions or to be heard in relation to the proposal.

[Section 46B inserted: No. 73 of 2006 s. 36; amended: No. 20 of 2025 s. 67, 124(1) and 125.]

47. Liquor store licence, effect of

(1) Subject to this Act, during permitted hours the licensee of a liquor store licence is authorised to keep open the licensed premises and to sell packaged liquor on and from the premises to any person.

(2) The licensee of a liquor store licence is authorised to supply liquor, by way of free sample —

(a) for consumption on a part of the licensed premises approved for the purpose by the Director; or

(b) for consumption off the premises.

[Section 47 amended: No. 12 of 1998 s. 30.]

[Heading deleted: No. 73 of 2006 s. 37.]

48. Club licence, kinds, conditions and effect of

(1) For the purposes of this Act a club licence —

(a) which is expressed to be granted as a club restricted licence; or

(b) which is subject to conditions prohibiting the sale of liquor for consumption off the premises, or the removal of liquor from the premises, unless subsection (9) applies,

shall be referred to as a club restricted licence.

(2) Subject to this Act a club licence authorises the sale, during permitted hours, of liquor —

(a) to a member and to the guests of that member in the company of that member —

(i) for consumption on the licensed premises, subject to subsection (4)(b); or

(ii) ancillary to a meal supplied at the club by or on behalf of the club to a member and to each of the guests of that member (without limitation as to number), being guests of whose attendance prior notice was given to the club in accordance with the rules of the club;

or

(b) to a member, for consumption by the guests of that member (without limitation as to number) at a function held by or on behalf of that member at the club if in accordance with the rules of the club; or

(c) to a member, if —

(i) the licence is not a club restricted licence; or

(ii) subsection (9) applies,

and the liquor is packaged liquor, subject to subsections (3) and (4)(c),

if the rules of the club are not thereby contravened.

(2A) Subject to this Act, a club licence authorises the sale, during permitted hours, of liquor to a visitor for consumption on the licensed premises if the sale does not contravene the rules of the club.

(2B) In subsection (2A) —

visitor means a person, other than a member, a guest of a member or a person referred to in subsection (5), who —

(a) is at least 40 km or, if a greater distance is prescribed for the purposes of this paragraph, at least that distance from their usual place of residence; and

(b) is visiting the club while travelling in the course of a holiday or travelling for leisure or business; and

(c) is required, at the time of their visit, to pay a fee to the club for the use of its facilities.

(3) At a time when a sale of packaged liquor to a member who was not a lodger would not be within permitted hours or at a time authorised by the licence, any authority conferred by a club licence to sell packaged liquor to a member who is a lodger extends only to such quantities as might reasonably be consumed by the lodger on that day.

(4) Every club licence is subject to the conditions that —

(a) unless an extended trading permit otherwise authorises, the club has —

(i) where a club restricted licence applies — a right to occupy the licensed premises to the exclusion of others during the times when the sale of liquor is authorised by the licence; and

(ii) in any other case — exclusive right to occupy the licensed premises;

and

(b) the authority to sell liquor for consumption by the guests of a member, otherwise than ancillary to a meal or at a function under subsection (2)(b), extends only to such persons, not exceeding 5 or such lesser number as may be permitted by the rules of the club, as are introduced as the guests of that member on that day; and

(c) packaged liquor be not removed —

(i) from premises to which a club restricted licence applies, unless subsection (9) applies; or

(ii) in any other case, from the premises except by or on the instructions of the member to whom it was sold;

and

(d) as soon as is practicable after the making of any proposal for a change in the appointment of a person as trustee to hold the licence for the club, the Secretary of the club shall provide to the Director certified particulars of the change proposed, and that effect is not given to the change without the prior approval of the Director; and

(e) an up-to-date register of members, in respect of each class of membership, be continually available for inspection at the club premises; and

(ea) an up-to-date register of visitors (as defined in subsection (2B)) be continually available for inspection at the club premises; and

(f) the club ensures that its rules are not contravened.

(5A) Without limiting section 64, the Director may impose a condition on a club licence or club restricted licence requiring that any manager of the licensed premises (other than a person appointed under section 100(3)) be an approved unrestricted manager.

(5) Subject to subsection (6), a person who is on any day visiting a club (the ***host club***) as a member or an official of another club or a team, or a person assisting a member or an official of another club or a team —

(a) that is to engage in a pre-arranged event with the host club conducted for the purposes of one of the host club's principal objects; or

(b) that is to hold a pre-arranged function at the host club involving the use of the host club's sporting facilities,

may, for the purposes of this Act, be taken to be a person who is accorded temporary membership of the host club on that day, in accordance with the rules of the club.

(6) Where the Director is satisfied that the circumstances so require the Director may impose a condition on the licence requiring a club specifically to seek the approval of the Director before admitting persons to temporary membership.

(7) Where in relation to the sale of liquor a club permits any contravention of its rules, a complaint may be lodged under section 95 on the ground that the licensed premises are not properly managed in accordance with this Act.

[(8) deleted]

(9) Where the Director is satisfied that the members of a club which holds a club restricted licence cannot, without great inconvenience, obtain supplies of packaged liquor from a supplier other than the club —

(a) the Director may, by endorsement on that licence and subject to such conditions as may be imposed, authorise the sale of packaged liquor to members of the club; and

(b) effect shall be given to the endorsement as a variation of the terms of the licence fixed by this Act.

[Section 48 amended: No. 12 of 1998 s. 31; No. 73 of 2006 s. 38; No. 56 of 2010 s. 11; No. 9 of 2018 s. 25; No. 20 of 2025 s. 67.]

49. Club licence: requirements

(1) The Director must refuse an application for the grant of a club licence unless the applicant satisfies the Director —

(a) that the applicant is a society, club, institution or other body of persons which —

(i) is incorporated or taken to be incorporated under the *Associations Incorporation Act 2015* or some other written law; or

(ii) is a body to which Schedule 2 applies or otherwise is of such a size or nature that it is appropriate that the body should be licensed even if it is unincorporated, subject to the licence being held for the applicant by a trustee,

and that it comprises a body of persons (in this Act referred to as a ***club***) associated by reason of a common interest of the kind referred to in section 37(1)(c)(i); and

(b) that the club has been, or in a case where the applicant is formed by the amalgamation of 2 or more clubs each of them has been, well managed for a period of not less than 12 months before the application; and

(c) that the rules of the club are of a kind appropriate for the purposes of a club seeking to be licensed, having regard to the terms and conditions of the licence sought.

(2) Where the Director finds that the rules of an applicant club are not adequate to give effect to the requirements of this Act, the Director may —

(a) postpone determination of the application to enable the rules to be varied; or

(b) grant the application subject to a condition requiring amendment of the rules.

[(3), (4) deleted]

(5) Despite any other provision of this section or of section 48, Schedule 2 has effect in relation to —

(a) the Anzac Club; and

(b) the Air Force Association (Western Australia Division) Club,

respectively.

(6) Where a club licence is held by a body which was not previously incorporated under the *Associations Incorporation Act 2015*, on a copy of a certificate of incorporation under that Act being lodged with the Director by the Secretary of the club with the consent of the trustee the licence shall be vested in the incorporated body and shall be varied accordingly.

[Section 49 amended: No. 12 of 1998 s. 32; No. 73 of 2006 s. 39; No. 30 of 2015 s. 232; No. 9 of 2018 s. 26; No. 20 of 2025 s. 67, 75 and 124(1).]

50. Restaurant licence: effect and conditions

(1) Subject to this Act the licensee of a restaurant licence is, during permitted hours, authorised to sell to any person liquor on the licensed premises for consumption on the premises ancillary to a meal supplied by the licensee to, and eaten by, that person there.

(1a) Where the licensee of a restaurant licence holds an extended trading permit under section 60(4)(ca) in respect of the

premises, the licensee is authorised to sell liquor to a person, whether or not ancillary to a meal eaten by the person, if —

(a) the liquor is consumed on the licensed premises by a person 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 —

(i) imposed on the permit by the Director; or

(ii) prescribed for the purposes of this paragraph.

(2) Where the licensee of a restaurant licence holds an extended trading permit under section 60(4)(c) in respect of guest accommodation provided to the public by the licensee on the same or adjacent premises, the licensee is authorised to sell liquor to a lodger in a room or place in the area to which that permit applies reserved for the private use of lodgers, whether or not ancillary to a meal.

(3) Every restaurant licence is subject to the conditions that —

(a) the business conducted at the licensed premises must consist primarily and predominantly of the regular supply to customers of meals to be eaten there; and

(b) subject to subsection (1a), liquor must not be consumed by a person on the licensed premises except ancillary to a meal supplied, or to be supplied, by the licensee to, and eaten by, that person there; and

(c) the licensed premises must contain kitchen facilities that are suitable for the preparation of the meals to be supplied by the licensee.

[Section 50 amended: No. 12 of 1998 s. 33; No. 73 of 2006 s. 40 and 108; No. 20 of 2025 s. 124(1).]

50A. Issue of extended trading permit under s. 60(4)(ca) for certain restaurant licences at time of grant

(1) Subsection (2) applies if —

(a) the Director decides to grant a restaurant licence subject to a condition limiting the maximum number of persons (excluding responsible persons and authorised officers) who may be on the licensed premises to 120; and

(b) the application for the restaurant licence specifies that an extended trading permit under section 60(4)(ca) is also sought in respect of the premises to which the application relates.

(2) When the Director grants the restaurant licence the Director may issue an extended trading permit under section 60(4)(ca) in respect of the licensed premises.

[Section 50A inserted: No. 9 of 2018 s. 27; amended: No. 20 of 2025 s. 124(1).]

51. Unlicensed restaurants: offences

[(1) deleted]

(2) Subject to subsection (3), a person who supplies liquor in, or in the vicinity of, an unlicensed restaurant for consumption in that restaurant commits an offence.

Penalty for this subsection: a fine of $3 000.

(3) If a person is charged with a contravention of subsection (2) it is a defence to show that the liquor was brought to the restaurant, in such a quantity only as was reasonable in the circumstances, by a customer of the restaurant for consumption ancillary to a meal supplied at that restaurant to, and eaten by, that customer or a guest of that customer there.

(4) A person who —

(a) being the occupier, or having the management or control, of an unlicensed restaurant; or

(b) being employed by or the agent of such a person,

permits or suffers any other person to bring liquor into, or consume liquor in, or to supply liquor for consumption in, that restaurant in contravention of this section commits an offence.

Penalty for this subsection: a fine of $3 000.

[Section 51 amended: No. 12 of 1998 s. 34; No. 73 of 2006 s. 110; No. 56 of 2010 s. 69; No. 20 of 2025 s. 40 and 67.]

52. Extended trading permit authorising liquor ancillary to meals

(1) For the purposes of this Act, where an extended trading permit issued in relation to any class of licence authorises the sale or consumption of liquor ancillary to a meal in an area which would not otherwise be comprised in the licensed premises that area is, at times when the sale or consumption of liquor ancillary to a meal supplied on the licensed premises is authorised, taken to be comprised within the licensed premises unless the permit otherwise provides.

(2) For the purposes of any proceedings under this Act, an allegation in the complaint or charge that liquor purporting to be sold for consumption, or consumed, ancillary to a meal was not so sold or consumed is taken to be proved unless the licensee or the person by whom the liquor was consumed, as the case may be, establishes beyond reasonable doubt —

(a) that a meal was supplied which was substantial, and was eaten or genuinely intended to be eaten by the persons to whom the liquor was sold or by whom the liquor was consumed; and

(b) that the meal was served to, or was eaten by, persons seated at a dining table; and

(c) that the primary and predominant purpose of persons entering the licensed premises was to obtain a genuine meal; and

(d) that the supply of liquor, whether before, during or after the meal, was subordinate and incidental to the service of a genuine meal.

[Section 52 amended: No. 84 of 2004 s. 80; No. 20 of 2025 s. 67.]

53. Restaurant licence and extended trading permit: conditions restricting sale of liquor ancillary to meals

(1) The authorisation conferred by section 50 or by an extended trading permit issued in relation to any class of licence for the purpose of the sale of liquor ancillary to a meal may, in appropriate cases, be reduced —

(a) by the imposition, on the grant of the licence or the issue of the permit, of conditions requiring —

(i) that trading be restricted to specified hours; or

(ii) that liquor be served and consumed at a dining table and not elsewhere; or

(iii) that furniture or fittings be provided or arranged in a specified manner; or

(iv) that any specified, or specified kind, of charge is not levied; or

(v) that the premises be maintained to a specified standard; or

(vi) that specified records be kept and made available for inspection on behalf of the Director,

or other conditions which the Director thinks desirable to prevent improper arrangements or practices; and

(b) subsequently, by further or other conditions imposed by the Director after giving the licensee a reasonable opportunity to make submissions or to be heard.

(2) In subsection (1), ***specified*** means specified in the condition imposed.

[Section 53 amended: No. 20 of 2025 s. 67 and 124(1).]

*[**54.** Deleted: No. 12 of 1998 s. 35(1).]*

55. Producer's licence: effect

(1) Subject to this Act the licensee of a producer's licence is, during permitted hours, authorised —

(a) to sell or supply (including by way of sample) on the licensed premises liquor produced by the licensee for consumption on a part of the licensed premises approved for the purpose by the Director; and

(b) to sell or supply on or from the licensed premises liquor produced by the licensee for consumption off the licensed premises; and

(c) to sell or supply liquor, other than liquor produced by the licensee, on the licensed premises —

(i) if the liquor is consumed ancillary to a meal in a dining area on the licensed premises; or

(ii) only for the purposes of tasting.

[(1a) deleted]

(2A) The licensee of a producer's licence is authorised to sell liquor produced by the licensee from any place if —

(a) the sale of liquor is made —

(i) by way of a telephone; or

(ii) by way of the internet;

and

(b) after the sale is made under paragraph (a), the liquor is delivered to the purchaser, or to premises specified by the purchaser, from the licensed premises.

(2) A producer's licence shall not be granted other than in accordance with this Act and any conditions prescribed.

(3) Where the licensee is a body corporate, liquor produced by a related body corporate is taken to have been produced by the licensee.

[Section 55 amended: No. 12 of 1998 s. 36; No. 73 of 2006 s. 41; No. 56 of 2010 s. 42; No. 35 of 2015 s. 6; No. 9 of 2018 s. 28; No. 20 of 2025 s. 67.]

56. Presumption of production of liquor

(1) For the purposes of this Act, a person shall be taken to have produced liquor —

(a) being wine made from grapes —

(i) if it was fermented by, or under the control or direction of, that person; or

(ii) if, in the case of wine produced by blending, all the wine used was fermented from produce grown or produced in Australia;

or

(b) being wine not made from grapes, if it was fermented or otherwise made from produce grown, produced or obtained by that person; or

(ba) being spirits made from wine —

(i) if it was distilled by that person; or

(ii) if it was distilled under the control or direction of that person from wine produced by that person;

or

(c) being spirits not made from wine, if it was distilled by that person; or

(d) being beer, if it was brewed by that person; or

(e) being liquor containing spirits, if —

(i) the spirits was distilled by that person, or under the control or direction of that person from wine produced by that person; and

(ii) the liquor does not contain liquor produced by any other person.

(2) In determining any question as to the fermentation of wine, maturation of the wine after final bottling shall be disregarded.

[Section 56 amended: No. 74 of 2003 s. 78; No. 9 of 2018 s. 29; No. 20 of 2025 s. 12.]

57. Producer's licence: requirements

(1) In this section —

relevant liquor means liquor of the kind sought to be authorised for sale under the licence;

relevant period means the period of 12 months from the date on which the licence, if granted, will come into force.

(2) An applicant for the grant of a producer's licence must satisfy the Director —

(a) that the applicant is, or within the relevant period will become, a genuine producer of the relevant liquor; and

(b) that the applicant carries on, or within the relevant period will commence to carry on, a genuine business of the sale of the relevant liquor; and

(ca) that the applicant produces, or within the relevant period will commence production of, a sufficient quantity of the relevant liquor to be able to carry on the business referred to in paragraph (b); and

(c) that the premises in relation to which the licence is sought are suitable for the purpose proposed; and

(d) that the applicant meets such requirements as are prescribed for the purposes of this paragraph.

(3) Every producer's licence is subject to the condition that, unless the Director approves otherwise, the licensee must produce a sufficient quantity of the relevant liquor to be able to carry on the business referred to in subsection (2)(b).

[Section 57 amended: No. 12 of 1998 s. 37; No. 56 of 2010 s. 43; No. 20 of 2025 s. 124(1).]

58. Wholesaler's licence: effect and conditions

(1) Subject to this Act, the licensee of a wholesaler's licence is, during permitted hours, authorised to sell packaged liquor on or from the licensed premises, in an aggregate quantity per person of not less than 4 L, to any person for consumption off the premises.

(1a) Despite subsection (1), the licensee of a wholesaler's licence may sell liquor in an aggregate quantity of less than 9 L to —

(a) a person who is a liquor merchant or is otherwise authorised by law to sell liquor; or

(b) any employee of the licensee.

(2) The licensee of a wholesaler's licence is authorised to supply liquor, by way of free sample, for consumption on a part of the licensed premises approved for the purpose by the Director.

[(2a) deleted]

(3) Every wholesaler's licence is subject to the condition that —

(a) liquor may only be sold to a person during the permitted hours applicable to a liquor store licence, other than —

(i) as ship's stores; or

(ii) to a person who is a liquor merchant or is otherwise authorised by law to sell liquor; or

(iii) to a person who is not resident in Australia where delivery of the liquor is to be effected outside Australia;

and

(b) the business conducted must consist, primarily and predominantly and to at least 90% of the licensee's gross turnover from the sale of liquor in each financial year, of selling liquor to liquor merchants or other persons authorised by law to sell liquor.

(4) For the purposes of subsection (3)(b), any amount derived by a licensee from the sale of liquor —

(a) as ships' stores; or

(b) to an employee of the licensee; or

(c) to a person who is not resident in Australia where delivery of the liquor is to be effected outside Australia,

shall not be taken into account in calculating gross turnover.

[Section 58 amended: No. 56 of 1997 s. 26(4); No. 12 of 1998 s. 38; No. 73 of 2006 s. 42; No. 35 of 2015 s. 7; No. 9 of 2018 s. 30; No. 20 of 2025 s. 67.]

59. Occasional licence: effect, conditions and requirements

(1) An occasional licence authorises the licensee to sell, or the supply or consumption of, liquor —

(a) at such times, and on such occasion or during such period not exceeding 3 weeks, as may be specified; and

(b) at such places, and within such designated area, as may be specified; and

(c) subject to such terms or conditions as may be specified.

(2) An occasional licence shall not be granted —

(a) if, in the opinion of the Director —

(i) the place in which the sale, supply or consumption of liquor would be authorised by the licence may not lawfully be used for that purpose; or

(ii) where the applicant holds another licence, the issue of an extended trading permit issued relating to, or the variation or cancellation of a term or condition of, that licence would be a more appropriate means of achieving the purpose for which the occasional licence is sought; or

(iii) sufficient facilities and expertise to enable the licence to be operated in a proper manner may not be provided; or

(iv) adequate measures to ensure that trading is not conducted in a manner detrimental to the public interest may not be taken; or

(v) the grant of a further occasional licence would tend to establish an undesirable pattern, where the application is made in respect of a function organised by a particular person or body of persons, or on behalf of a particular cause, to whom or which or on behalf of which previous occasional licences have been granted;

or

(b) unless the applicant, if so required, satisfies the Director —

(i) where the licence is sought in respect of a function organised by a person other than the applicant, that the consent of the organiser to the proposed sale of liquor has been obtained; and

(ii) that the consent of the occupier, or of the person or authority having control, of the premises

where the sale, supply or consumption of liquor will take place has been obtained.

(3) Where an application is made under this section, a licensee who desires to participate in any arrangement whereby the benefit arising from the holding of the licence accrues to any other person shall inform the Director who may then authorise an arrangement under which the licensee is to pay to that person —

(a) a proportion of the gross receipts obtained by the licensee from the sale of liquor under the occasional licence; or

(b) a proportion of an inclusive charge paid to the licensee or some other person in respect of the sale of liquor with some other service; or

(c) a calculable amount, upon a specified basis,

in such manner and upon such conditions as the Director may approve even if such an arrangement might otherwise contravene a condition of the licence or of the kind referred to in section 60(3)(a) or section 104.

(4) Where the Director so requires the liquor sold or supplied under an occasional licence shall be purchased for the purpose from a supplier, or a supplier selected from a list of suppliers, specified in the licence.

(5) An occasional licence may be granted in relation to a festival or other event authorising the organiser and specified persons participating in or associated with that festival or event to sell liquor, or liquor of a specified description, during such period or on such occasions as may be specified.

(6A) Without limiting section 64, the Director may impose a condition on an occasional licence requiring that any manager of premises that are the subject of the licence (other than a person appointed under section 100(3)) be an approved unrestricted manager.

(6) In this section, ***specified*** means specified in the licence.

(7) The Director may cancel an occasional licence at any time if satisfied that the licence is no longer appropriate.

[Section 59 amended: No. 12 of 1998 s. 39(1); No. 56 of 2010 s. 12; No. 20 of 2025 s. 67.]

59A. Additional authorisations relating to supply and sale of liquor on licensed premises

(1) In this section —

interstate supplier means a person who is authorised under the law of another State, or of a Territory, to sell packaged liquor;

packaged liquor —

(a) in relation to an interstate supplier, means liquor in sealed containers for consumption off the premises of the interstate supplier; and

(b) otherwise, has the meaning given in section 3(1);

packaged liquor licence means a licence that authorises the sale of packaged liquor, but does not include a hotel restricted licence, a casino liquor licence, a club licence or an occasional licence.

(2) A packaged liquor licence authorises the licensee (the ***supplier***), with the agreement of another licensee —

(a) to supply liquor, by way of free sample, on the licensed premises of the other licensee for consumption on those premises; and

(b) to sell packaged liquor on the licensed premises of the other licensee for delivery to the purchaser, or to premises specified by the purchaser, from the licensed premises of the supplier.

(3) An interstate supplier is authorised, with the agreement of a licensee —

(a) to supply liquor, by way of free sample, on the licensed premises of the licensee for consumption on those premises; and

(b) to sell packaged liquor on the licensed premises of the licensee for delivery to the purchaser, or to premises specified by the purchaser, from the premises of the interstate supplier.

(4) A sale of packaged liquor made by an interstate supplier as authorised under subsection (3) is taken to be made under a licence described in section 109(1)(a).

[Section 59A inserted: No. 9 of 2018 s. 31.]

Division 4 — Permits

60. Extended trading permits: purposes, effect and conditions

(1) An extended trading permit authorises the licensee of the licence to which it relates, subject to —

(a) this Act; and

(b) any other written law; and

(c) its conditions, which shall take effect as conditions of that licence,

to sell and supply liquor under that licence according to the tenor of the permit, upon such terms as are specified at the discretion of the Director in the permit at times, in circumstances, or in a place, to which that licence would not otherwise apply.

(2) An extended trading permit has effect while the licence to which it relates remains in force, except as otherwise —

(a) provided by this section; or

(b) specified in the permit.

(2A) If an extended trading permit so provides, the place to which it applies is, or the premises to which it applies are, taken, while the permit has effect, to be a part of the licensed premises of the licence to which the permit relates.

(3) Unless otherwise provided in this Division, an extended trading permit is subject to the conditions that —

(a) the licensee to whom it is issued must not participate in any arrangement whereby the benefit arising from the holding of the permit accrues to any other person, unless subsection (8) applies; and

(b) an approved unrestricted manager or an approved restricted manager must attend at the premises specified when liquor is sold under the permit, unless the permit is issued in relation to a casino liquor licence.

(3a) In addition to the conditions imposed by subsection (3), an extended trading permit issued for the purposes of subsection (4)(ca), (g) or (h) is, unless the Director otherwise determines, subject to any condition prescribed for the purposes of this subsection.

(4) The purposes for which an extended trading permit may be issued are —

(a) catering, authorising the licensee to sell liquor as a caterer during specified hours on specified days; or

(b) a dining area in premises to which a hotel licence, nightclub licence or producer's licence applies, authorising the licensee to sell liquor at any time unless otherwise specified —

(i) in a specified dining area on the licensed premises; and

(ii) where the permit so provides, in a specified reception area on or adjacent to the licensed premises,

for consumption there ancillary to a meal supplied in the dining area by the licensee, which is subject to the condition that the Director remains satisfied that the requirements referred to in section 52(2) are met; or

(c) a restaurant comprised within guest accommodation, authorising the licensee of a restaurant licence to sell, at any time, liquor to a lodger under section 50(2), which is subject to the condition that the Director remains satisfied that the predominant purpose of the premises within which the restaurant is comprised is the provision of guest accommodation for the travelling public; or

(ca) a restaurant, authorising the licensee of a restaurant to sell liquor for consumption on the premises, whether or not ancillary to a meal, during hours which are permitted hours under a hotel licence; or

(cb) authorising the licensee of a club licence to sell liquor, despite section 48(2), to persons other than members, or guests of members, of the club —

(i) on a specified special occasion or specified special occasions; or

(ii) on a day on which a specified function is, or on days on which specified functions are, held on, or on a specified part of, the licensed premises;

or

(d) late delivery, authorising the licensee of a liquor store licence to deliver or supply, off the premises, after the end of permitted hours on any day but before 12 midnight, liquor sold or agreed to be sold during permitted hours but not then delivered or supplied, which remains in force for the period during which the licence is current unless otherwise specified; or

(e) an association's permit, authorising the licensee of a club licence (other than a club restricted licence) or of a special facility licence to sell liquor, during specified hours, or in specified circumstances, on specified days, for consumption on a specified part of the licensed premises to a person who is a member, or the guest of a member, of an association of persons attending a venue together by reason of a common interest, which is subject to the conditions that —

(i) the authority to sell liquor for consumption by the guests of a member of the association, otherwise than ancillary to a meal, extends in relation to each such member on any day only to not more than 5 persons introduced as guests by that member on that day; and

(ii) the licensee takes such measures as will ensure that the rules of the association are observed;

or

(f) a function, authorising the licensee to sell liquor between specified hours on a specified special occasion or a day on which a specified function is held on, or on a specified part of, the licensed premises (and where the permit so provides even if no meal is supplied in the restaurant, or entertainment is provided in the nightclub, which is the subject of the licence to which the permit relates); or

(g) extended hours, authorising the licensee to sell liquor under the licence during specified hours (that would not otherwise be permitted hours) —

(i) on specified days; or

(ii) on a specified occasion;

or

(h) an extended area, authorising the licensee to sell liquor under the licence, during specified hours on specified days —

(i) on specified premises that would not otherwise be authorised; or

(ii) in a specified area that would not otherwise be authorised;

or

(ia) authorising the licensee of a producer's licence to sell liquor under the licence on specified premises on which the licensee would not otherwise be authorised to sell the liquor, for the period during which the licence is current unless otherwise specified; or

(i) any other prescribed purpose.

[(5) deleted]

(6) The Director may, on the application of the licensee or, after giving the licensee a reasonable opportunity of making submissions or of being heard, on the Director's own initiative or on the application of —

(a) a police officer; or

(b) except in the case of an extended trading permit that relates to a casino liquor licence, a person who satisfies the Director that the person would have been entitled to make an objection in respect of the licence had an application for the grant of that licence been made at the time of the issue of the permit,

from time to time vary the terms or conditions of a permit in any manner not inconsistent with this Act.

(7) Without limiting subsection (8a), where a licence is removed, or licensed premises are altered, an extended trading permit relating to the licence may be varied or cancelled, at the discretion of the Director.

(8) Where a licence to which an extended trading permit relates is, or would otherwise become, subject to a condition of the kind referred to in subsection (3)(a) the Director may approve an arrangement under which the licensee is to pay to any person —

(a) a proportion of the gross receipts obtained by the licensee from the sale of liquor under the extended trading permit; or

(b) a proportion of an inclusive charge paid to the licensee or some other person in respect of the sale of liquor with some other service; or

(c) such amount, upon such basis, as the Director may approve.

(8a) The Director may cancel an extended trading permit at any time if satisfied that the permit is no longer appropriate.

(9) In this section, ***specified*** means specified in the extended trading permit.

[Section 60 amended: No. 12 of 1998 s. 40 and 97(2); No. 73 of 2006 s. 43, 107 and 108; No. 56 of 2010 s. 13; No. 35 of 2015 s. 8; No. 9 of 2018 s. 32; No. 25 of 2023 s. 21; No. 20 of 2025 s. 13, 67, 124(1) and 125.]

61. Extended trading permit for extended area: requirements

(1) An extended trading permit for the purpose referred to in section 60(4)(h) shall not be issued in relation to any licence unless —

(a) the premises or a defined area in respect of which the permit is sought are adjacent to the premises to which the licence relates; and

(b) the Director is satisfied that the purpose for which the permit was sought could not be more appropriately achieved by redefining the licensed premises or the grant of an occasional licence; and

(c) the licensee will, at times when the sale of liquor under the permit is authorised, be entitled to use for that purpose the premises or area to which the permit sought relates.

[(d) deleted]

[(2) deleted]

[Section 61 amended: No. 14 of 1996 s. 4; No. 9 of 2018 s. 33; No. 20 of 2025 s. 124(1).]

61A. Extended trading permit for sale of liquor (s. 60(4)(ia))

(1) In this section —

cellar door permit means an extended trading permit issued for the purpose referred to in section 60(4)(ia);

geographical indication has the same meaning as in the *Australian Grape and Wine Authority Act 2013* (Commonwealth) section 4(1);

wine producing region means a region or locality of the State that is subject to a geographical indication.

(2) A cellar door permit must not be issued in relation to a producer's licence unless —

(a) the Director has approved the premises in respect of which the permit is sought as being fit for the purpose of the sale of liquor; and

(b) if the permit is sought for the purposes of the sale of wine, the premises are located in the wine producing region to which the licence relates; and

(c) if the permit is sought for the purposes of the sale of liquor other than wine, the premises are located in the district where the liquor is produced; and

(d) the Director is satisfied that the purpose for which the permit is sought could not be more appropriately achieved by the grant of a different kind of licence; and

(e) the applicant will, at times when the sale of liquor under the permit is authorised, be entitled to use the premises for that purpose; and

(f) the applicant satisfies the Director that the local government of the district within which the premises are situated has been consulted and has approved the application.

(3) A cellar door permit may only be issued to a licensee for the purposes of the sale of wine if the licensee does not already hold a cellar door permit for the purposes of the sale of wine in the wine producing region for which the permit is sought.

(4) A cellar door permit may only be issued to a licensee for the purposes of the sale of liquor other than wine if the licensee does not already hold a cellar door permit for the purposes of the sale of liquor in the district for which the permit is sought.

(5) A cellar door permit may be issued in respect of the same premises to 2 or more licensees of a producer's licence only if there is in force an agreement between the licensees about the management of the premises.

(5A) If a cellar door permit is issued in respect of the same premises to 2 or more licensees, those licensees are jointly and severally liable —

(a) as licensee; and

(b) in respect of any civil or criminal liability that attaches to the licensee under this Act.

(6) The regulations may prescribe conditions that are taken to be attached to a cellar door permit unless otherwise specified in the permit.

[Section 61A inserted: No. 35 of 2015 s. 9; amended: No. 9 of 2018 s. 34; No. 25 of 2023 s. 21(2); No. 20 of 2025 s. 67 and 124(1).]

Division 5 — Conditional grants or approvals

[Heading amended: No. 12 of 1998 s. 41.]

62. Conditional grants or removal of licences: uncompleted premises

(1) This section applies to an application —

(a) for a licence in respect of premises; or

(b) for the removal of a licence to premises, whether or not to be dealt with at the same time as a related application for the transfer of the licence,

if those premises are uncompleted.

(2) Where this section applies to an application and the Director is satisfied that a licence of the class sought in the application, or the removal of a licence to the premises, as the case may be, should be granted to the applicant in relation to the premises on conditions relating to the completion of the premises, the Director shall grant the licence or removal to the applicant subject to those conditions.

(3) A conditional grant of a licence or removal shall not be made under this section unless the applicant has submitted —

(a) plans and specifications for the proposed premises; or

(b) a plan sufficient to identify the site of the premises together with a description (in which particular emphasis is given to any part of those premises to be used for the sale or consumption of liquor or for related services or amenities) sufficient to give a general indication of the proposed size and character of the proposed premises.

(4) A conditional grant of a licence or removal under this section shall include —

(a) if full plans and specifications were not submitted by the applicant in accordance with subsection (3)(a), a

condition that they be submitted within 12 months after the conditional grant; and

(b) a condition that the premises be completed in accordance with the plans and specifications submitted by the applicant; and

(c) a condition that the holder of the licence conditionally granted or removed apply on or before a specified day (the ***required day***) for confirmation of the grant.

(5) A conditional grant of a licence or removal under this section may be made subject to such further conditions as the Director thinks fit including conditions —

(a) that the premises shall be completed in accordance with specified plans or specifications, or subject to specified modifications; or

(b) as to a specified manner, or sequence, of the completion of the premises; or

(c) requiring the applicant to enter into a bond, with or without sureties, conditional on the completion to the satisfaction of the Director of specified work within a specified time; or

(d) that the grant will be cancelled if the Director is not satisfied as to any specified matter to which section 39 or 40 refers or as to public safety or fire precautions; or

(e) that a transfer of the licence to a designated person be effected in a manner approved by the Director.

(6) On an application by the holder of a licence conditionally granted or removed under this section, the Director may —

(a) vary any plans or specifications the subject of a condition; or

(b) otherwise vary any conditions to which the licence is subject, including a condition imposed under subsection (4).

(7) Where full plans and specifications are submitted in accordance with the condition imposed under subsection (4)(a), the Director may —

(a) vary or add to the conditions of the grant of the licence or removal under this section as the Director thinks fit; or

(b) cancel or suspend the operation of the conditional grant,

if the Director is not satisfied that the existing conditions are appropriate in relation to the plans and specifications.

(8) If the Director determines that premises when completed, or likely to be completed, do not or will not substantially comply with any condition imposed or are so significantly altered that the existing conditions of the grant are inappropriate, the Director may at the Director's discretion cancel or suspend the operation of the licence conditionally granted or removed and require the applicant to make a fresh application, which shall be subject to any objection that may then be made.

(9) If the holder of a licence conditionally granted or removed under this section applies for confirmation of the grant, and the Director is satisfied that the conditions of the grant have been satisfactorily complied with, the Director shall confirm the grant or removal of the licence.

(10) If the holder of a licence conditionally granted or removed under this section fails to apply for confirmation of the grant, the Director may cancel the licence without notice.

(11) Despite section 37(5)(b), where the Director makes a conditional grant of a removal under this section, the Director may also authorise the licensee to cease to occupy the premises from which the licence is to be removed without losing the interest in the licence until the grant is confirmed in accordance with this section.

[Section 62 inserted: No. 12 of 1998 s. 42; amended: No. 20 of 2025 s. 67, 76, 124(1) and 125.]

62A. Conditional grants or removal of licenses: pending local government or planning authority certificates

(1) Despite sections 37, 39 and 40, where —

(a) an application is made for a licence or a removal of a licence; and

(b) the Director is satisfied that the Director would grant the licence or removal if a certificate referred to in section 39 or 40, or other evidence as to an approval, consent or exemption referred to in section 37(2), were produced,

the Director may grant the licence subject to the condition that the certificate or other evidence be produced on or before a specified day.

(2) The Director may, on an application by the holder of a licence conditionally granted or removed under this section, substitute a later day as the specified day.

(3) If the certificate or other evidence is not produced on or before the specified day, the Director may, by notice in writing, cancel the licence conditionally granted or removed.

[Section 62A inserted: No. 12 of 1998 s. 42; amended: No. 20 of 2025 s. 67, 124(1) and 125.]

62B. Conditional approval: satisfaction of matters under s. 77(5)

(1) Despite section 77, where —

(a) an application is made for an alteration or redefinition of a licensed premises; and

(b) the Director is satisfied that the Director would approve the alteration or redefinition of the licensed premises but for the production of evidence as to an approval, consent or exemption referred to in section 77(5),

the Director may approve the alteration or redefinition subject to the condition that the evidence be produced on or before a specified day.

(2) The Director may, on an application by the holder of the licence, substitute a later day as the specified day.

(3) If the evidence to be produced is not produced on or before the specified day, the Director may, by notice in writing, cancel the conditional approval.

[Section 62B inserted: No. 12 of 1998 s. 42; amended: No. 20 of 2025 s. 67, 124(1) and 125.]

Division 6 — Conditions, generally

63. Limit on power to vary or cancel certain terms and conditions

The Director may, on the Director's own initiative or on the application of the licensee —

(a) where the permitted hours applicable under Part 4 Division 1 to particular licensed premises are to be the hours specified in the licence or permit which relates to those premises, vary any term or condition specifying those hours; or

(b) in relation to a particular licence, exempt that licensee from a requirement imposed by or under this Act to keep the premises open for the sale of, and to sell, liquor there during any particular day or part of a day; or

(c) vary a hotel licence in accordance with section 41(6) or (7); or

(ca) remove the restrictions on a club restricted licence so that it is converted to a club licence; or

(d) vary the terms of a club restricted licence in accordance with section 48(9); or

(e) vary, in such a manner as to become more restrictive, a term fixed or a condition specifically imposed by this Act in relation to the licence,

but is not otherwise empowered to vary or cancel a term specifically fixed or a condition specifically imposed by this Act, as distinct from pursuant to this Act, in relation to licences of that class or permits of that kind, except in relation to such provisions or circumstances as may be prescribed.

[Section 63 amended: No. 12 of 1998 s. 43; No. 73 of 2006 s. 45; No. 20 of 2025 s. 67, 124(1) and 125.]

64. Imposing, varying and cancelling conditions

(1) Subject to this Act, in relation to any licence, or to any permit, the Director may at the Director's discretion impose conditions —

(a) in addition to the conditions specifically imposed by this Act; or

(b) in such a manner as to make more restrictive a condition specifically imposed by this Act,

and may vary or cancel any condition previously imposed by the Director, having regard to the tenor of the licence or permit and the circumstances in relation to which the Director intends that it should operate.

(1a) The Director may impose, vary or cancel a condition under subsection (1) —

(a) on the Director's own initiative; or

(b) on the application of the licensee; or

(c) at the written request of the parties to a liquor accord.

(1b) In subsection (1a) —

liquor accord means a written agreement or other arrangement —

(a) that is entered into by 2 or more licensees in a local community, and persons who represent the Director, departments of the Public Service, State agencies or local government, and other persons; and

(b) that has the purposes of minimising the harm caused in the local community by the excessive consumption of liquor and promoting responsible practices in the sale, supply and service of liquor in the local community; and

(c) that is approved by the Director.

(1BA) An application under subsection (1a)(b) to vary a condition must be made not later than the prescribed number of days before the variation is proposed to take effect, unless the Director otherwise approves.

(1C) For the purposes of deciding whether to impose, vary or cancel a condition under this section, the Director may consult with all or any of the following persons —

(a) the Commissioner of Police;

(b) the relevant local government;

(c) the Chief Health Officer;

(d) any other person, body or authority the Director considers may be able to provide information relevant to the decision.

(2) The power conferred by subsection (1) may, subject to compliance with section 31(6)(b), be exercised at any time, but a condition takes effect on —

(a) the date of the grant of the licence or the issue of the permit in relation to which it was imposed; or

(b) such other date as is specified in the notice setting out the particulars, or in the endorsement or revised version of the licence or permit made, under section 31(6),

whichever is the later.

(2a) If the Director proposes to impose, vary or cancel a condition under this section, the Director may, by notice in writing, require the licensee to show cause to the Director why the condition should not be imposed, varied or cancelled.

(2b) Subsection (2a) does not apply in relation to a condition proposed to be imposed, varied or cancelled in accordance with an application under subsection (1a)(b).

(3) Without derogating from the generality of the discretion conferred on the Director, the Director may impose conditions which the Director considers to be in the public interest or which the Director considers desirable in order to —

(a) ensure that the noise emanating from the licensed premises is not excessive; or

(b) minimise the offence, annoyance, disturbance or inconvenience that might be caused to those who reside or work in the vicinity of the licensed premises, or to persons in or making their way to or from a place of public worship, hospital or school, in consequence of activities on the licensed premises or the conduct of those making their way to or from the licensed premises; or

(ba) ensure that local laws of a local government under the *Local Government Act 1995* or by-laws of an Aboriginal community under the *Aboriginal Communities Act 1979* are complied with; or

(c) ensure that the safety, health or welfare of persons who may resort to the licensed premises is not at risk; or

(ca) ensure that liquor is sold and consumed in a responsible manner; or

(cb) ensure that all persons involved in conducting business under the licence have suitable training for attaining the primary objects of this Act; or

(cc) minimise harm or ill-health caused to people, or any group of people, due to the use of liquor; or

(cd) limit or prohibit the sale of liquor on credit; or

(d) ensure public order and safety, particularly where circumstances or events are expected to attract large numbers of persons to the premises or to an area adjacent to the premises; or

(e) limit —

(i) the kinds of liquor that may be sold;

(ii) the manner or the containers, or number or types of containers, in which liquor may be sold;

(iii) the days on which, and the times at which, liquor may be sold;

or

(ea) without limiting paragraph (e)(iii), limit the times when packaged liquor may be sold on and from the licensed premises to those times when liquor may be purchased for consumption on those premises; or

(f) prohibit persons being, or limit the number of persons who may be, present on, or on any particular part of, the licensed premises or any area which is subject to the control or management of the licensee and is adjacent to those premises; or

(fa) prohibit entry to the licensed premises after a specified time; or

(g) prohibit the provision of entertainment, or limit the kind of entertainment that may be provided, on, or in an area under the control of the licensee adjacent to, the licensed premises; or

(ga) prohibit promotional activity in which drinks are offered free or at reduced prices, or limit the circumstances in which this may be done; or

(gb) prohibit any practices which encourage irresponsible drinking; or

(h) otherwise limit the authority conferred under a licence or permit; or

(j) require action therein specified to be undertaken by the licensee —

(i) within a time or at times therein specified; or

(ii) on occasions or in circumstances therein specified,

in relation to the licensed premises or any part of those premises, the conduct of the business carried on under the licence, or otherwise in the public interest; or

(ka) require the keeping of records and provision of information to the Director; or

[(k) deleted]

(m) ensure compliance with the requirements of, or with terms fixed or conditions imposed by or under, this Act.

(4) If there is an inconsistency between a condition imposed under this Act and a requirement of, or made under, any other written law, the condition or requirement which is more onerous for the licensee shall prevail.

[(5) deleted]

(6) A condition imposed under this section may relate to —

(a) any aspects of the business carried on under the licence; and

(b) any activity carried on at the licensed premises, at any time and whether or not related to the business carried on under the licence.

(7) Where a condition imposed under this section in relation to a licence has been contravened the Director may —

(a) impose a more restrictive condition in relation to that licence; or

(b) impose on the licence holder a monetary penalty not exceeding $1 000 for each day on which the contravention continues, which shall be payable to the Crown by that person,

or both.

(8) The imposition, variation or cancellation of a condition, or the imposition of a monetary penalty, under this section is not to be regarded as the taking of disciplinary action for the purposes of section 96.

[Section 64 amended: No. 56 of 1997 s. 31; No. 12 of 1998 s. 44; No. 73 of 2006 s. 46; No. 56 of 2010 s. 44; No. 35 of 2015 s. 10; No. 19 of 2016 s. 163; No. 9 of 2018 s. 35; No. 25 of 2023 s. 21(2); No. 20 of 2025 s. 51, 67, 124(1) and 125.]

65. Conditions relating to sale and delivery of packaged liquor or liquor for consumption off licensed premises

(1) Subject to subsection (3), a licence or permit that authorises the sale of packaged liquor or of liquor for consumption off the licensed premises is subject to the following conditions —

(a) that the liquor sold —

(i) must be consigned to the purchaser at, and delivered on or from, the licensed premises, unless the Director otherwise approves; and

(ii) must be delivered in sealed containers; and

(iii) must not, unless an extended trading permit or a special facility licence so authorises, be or be permitted to be consumed on or, except in the case of liquor sold under section 55, in the immediate proximity of the licensed premises;

(b) that the prescribed requirements relating to sale and delivery must be complied with.

(1A) A person who contravenes a condition referred to in subsection (1) commits an offence.

Penalty for this subsection: a fine of $5 000.

(2) The conditions referred to in subsection (1) shall not be taken to have been contravened where —

(a) the sale of liquor to the purchaser for consumption on the licensed premises is authorised at the time of sale; and

(b) the liquor, although sold for consumption off the licensed premises, is consumed there in circumstances in which it could lawfully have been consumed if sold under that authorisation.

(3) For the purposes of any disciplinary action taken or proceedings instituted under this Act, liquor may be taken to have been consumed in the immediate proximity of licensed premises if the liquor is consumed in a place nearby where —

(a) there is frequent drunkenness, or disorderly conduct by persons resorting to the licensed premises; or

(b) persons habitually gather for the purpose of consuming liquor sold on or from the licensed premises,

and the court is satisfied that the licensee has not, but could have, taken reasonable steps to prevent such occurrences or that the licensed premises are in any way ill-conducted.

(4) Liquor may be taken to have been consumed in the immediate proximity of licensed premises even if the circumstances referred to in subsection (3) do not apply.

[Section 65 amended: No. 12 of 1998 s. 45; No. 56 of 2010 s. 69; No. 9 of 2018 s. 36; No. 20 of 2025 s. 40 and 67.]

65A. Petrol station not to be established on premises from which packaged liquor is sold

(1) In this section —

country townsite has the same meaning as it has in section 36A;

petrol station has the same meaning as it has in section 36A.

(2) A licence that authorises the sale of packaged liquor and that is in respect of premises in the metropolitan area or in a country townsite is subject to the condition that a petrol station must not be established on the premises.

(3) Subsection (2) does not apply to premises that are in a country townsite if the Director, on an application by the licensee of the premises, so orders.

(4) If, in proceedings under section 95, the Tribunal is satisfied that there has been a breach of the condition referred to in subsection (2), the Tribunal —

(a) if construction of the petrol station started before 30 June 2000 — may exercise any of the powers specified in section 96; and

(b) if construction of the petrol station started on or after 30 June 2000 — must cancel the licence.

[Section 65A inserted: No. 23 of 2000 s. 6; amended: No. 20 of 2025 s. 77.]

65B. Regulations prescribing conditions about promoting liquor

(1) The regulations may prescribe conditions that —

(a) prohibit promotional activity in which liquor is offered free or at reduced prices; or

(b) limit the circumstances in which promotional activity referred to in paragraph (a) may take place,

and may provide that any licence, or any licence of a prescribed class, is subject to those conditions.

(2) Regulations made for the purposes of subsection (1) do not limit the conditions that the Director may impose under section 64(3)(ga) in relation to a particular licensee or particular licensed premises.

[Section 65B inserted: No. 73 of 2006 s. 47; amended: No. 20 of 2025 s. 124(1).]

Division 7 — Applications

65C. Term used: application

In this Division and Division 7A —

application, unless used in reference to a specific kind of application (such as an application for a specific kind of licence), means any application to the Director under —

(a) this Part; or

(b) Part 4 (other than section 126A).

[Section 65C inserted: No. 20 of 2025 s. 78.]

65D. Application requirements

(1) An application must be in the approved form.

(2) Without limiting section 13, the Director may waive or modify the requirement in subsection (1).

(3) An application must be accompanied by —

(a) the prescribed fee; and

(b) the documents specified in subsection (4).

(4) For the purposes of subsection (3)(b), the documents are as follows —

(a) the plans and specifications, if any, required by section 66 or otherwise prescribed or required;

(b) records, complying with any prescribed requirements, verifying the background, creditworthiness and reputation of —

(i) the applicant; or

(ii) if relevant, the person of whose appointment under section 33(5) or 35A(3) approval is sought;

(c) any consent required under section 76J;

(d) any other documents or information required by the Director.

[Section 65D inserted: No. 20 of 2025 s. 78.]

65E. Licence applications to be made by proposed licensee

An application for the grant of a licence may be made only by, or on behalf of, the person or persons proposing to carry on business under the licence after it is granted.

[Section 65E inserted: No. 20 of 2025 s. 78.]

66. Plans and specifications of premises: requirements

(1) An application for —

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

(b) the removal of a licence; or

(c) approval of a proposed alteration to, or redefinition of, licensed premises,

must be accompanied, unless the Director otherwise approves, by plans of the premises to which the application relates.

(2) An applicant may, at any time before the application is determined, submit for the approval of the Director a modification of or substitution for any plan previously lodged.

(3) An applicant for an occasional licence or extended trading permit must, if the Director so requires, submit plans of any premises on which the sale or consumption of liquor is sought to be authorised.

(4) Subject to section 62, plans submitted under this section must comply with such requirements as may be prescribed, and the Director may require that further or other plans be submitted for consideration.

(5) Specifications complying with such requirements as may be prescribed shall be submitted with the plans to which they relate, unless the Director otherwise agrees or directs, and the Director may require that further or other specifications be submitted.

(6) If, at any time, the Director is of the opinion that any plans or specifications submitted under this section are no longer accurate or adequate, the Director may require that further information or plans be provided.

[Section 66 amended: No. 12 of 1998 s. 46; No. 20 of 2025 s. 124(1).]

67. Applications for occasional licences and extended trading permits

(1) An application for an occasional licence or an extended trading permit must be made at least 14 days (or, if the regulations prescribe a different period, that period) before the licence or permit is to take effect.

(2) Without limiting section 13, the Director may waive or modify the requirement in subsection (1).

(3) The regulations may prescribe other requirements for making the application.

(4) An application for the grant of an occasional licence does not need to be accompanied by the documents specified in section 65D(4)(b) or (c) unless required by the Director.

[Section 67 inserted: No. 20 of 2025 s. 79.]

68. Advertisement of applications

(1) The Director —

(a) may require an application to be advertised in the manner specified by the Director; and

(b) if the Director does so, must give the applicant sufficient directions to enable the application to be advertised in accordance with the requirement.

(2) Without limiting subsection (1)(b), the Director must specify the period for which the application must be advertised.

(3) An application that is required by the Director to be advertised is an ***advertised application***.

(4) The end of the period for which an advertised application must be advertised is the ***submission deadline*** for the application.

(5) A person may, before the submission deadline, inspect an application and its accompanying documents free of charge at the office of the Director.

[Section 68 inserted: No. 20 of 2025 s. 79.]

Division 7A — Submissions about applications

[Heading inserted: No. 20 of 2025 s. 80.]

Subdivision 1 — General

[Heading inserted: No. 20 of 2025 s. 80.]

69. Submissions

(1) A ***submission*** is a submission made to the Director about an application.

(2) The following 3 types of submission may be made —

(a) objections;

(b) official submissions;

(c) general submissions.

(3) A single submission may, if it meets the definition of both, be both —

(a) an objection; and

(b) an official submission.

[Section 69 inserted: No. 20 of 2025 s. 80.]

70. Director may provide information to officials to enable objections and official submissions

The Director may provide an application, or information relating to an application, to an official to enable the official to —

(a) make an objection to the application; or

(b) make an official submission (other than under section 76F) about the application.

[Section 70 inserted: No. 20 of 2025 s. 80.]

71. Submissions to be in approved form

(1) A submission about an application must be in the approved form.

(2) Without limiting section 13, the Director may waive or modify the requirement in subsection (1).

[Section 71 inserted: No. 20 of 2025 s. 80.]

72. Dealing with submissions

(1) In determining an application, the Director must consider the following submissions —

(a) an official submission, or an objection made by an official, even if made about an advertised application after its submission deadline;

(b) an objection of a kind referred to in section 73(2) to (4), even if made about an advertised application after its submission deadline;

(c) a submission made about an advertised application before its submission deadline.

(2) The Director may, but need not, consider any other submission.

(3) If the Director considers a submission, the Director must —

(a) give the applicant a copy of the submission; and

(b) invite the applicant to respond to the submission within the period specified by the Director; and

(c) consider any response made by the applicant within the specified period.

(4) Nothing in subsection (3)(a) requires or authorises the Director to disclose confidential police information.

[Section 72 inserted: No. 20 of 2025 s. 80.]

*[**72A.** Deleted: No. 20 of 2025 s. 79.]*

Subdivision 2 — Objections

[Heading inserted: No. 20 of 2025 s. 80.]

73. What are objections

(1) An ***objection*** is a submission stating that the grant of an application —

(a) would not be in the public interest; or

(b) would cause undue harm or ill-health to people, or any group of people, due to the consumption of liquor; or

(c) would be likely to result in undue offence, annoyance, disturbance or inconvenience —

(i) to persons who reside or work in the vicinity of the licensed premises or proposed licensed premises; or

(ii) to persons in, or travelling to or from, an existing or proposed place of public worship, hospital or school;

or

(d) would result in the amenity, quiet or good order of the locality of the licensed premises or proposed licensed premises being reduced in some other way; or

(e) would otherwise be contrary to this Act.

(2) A submission by a lessee or mortgagee of licensed premises stating that the interest of the lessee or mortgagee may be prejudicially affected if an application for the removal of the licence from the premises were granted is also an ***objection***.

(3) A submission by an owner or lessor of licensed premises, or of premises in respect of which a licence is sought, about an application is also an ***objection*** if the submission states that the consent of the owner or lessor to the application —

(a) is required by a term of a lease relating to the premises; and

(b) has not been obtained in accordance with the lease.

(4) A submission by an owner or lessor of licensed premises about an application for approval of alterations to the premises is also an ***objection*** if the submission states that —

(a) the licensee has agreed in writing that the consent of the lessor is required for the application; and

(b) the consent has not been obtained.

(5) A submission specified in subsection (3) or (4) is an ***objection*** whether the interest of the applicant or licensee in the premises derives from —

(a) the lessor directly; or

(b) a sublessor.

[Section 73 inserted: No. 20 of 2025 s. 80.]

74. Who may make objections

(1) The following persons may make an objection to an application —

(a) an official;

(b) a person whose objection is of a kind referred to in section 73(2) to (4);

(c) in the case of an advertised application — any person, but only if the person's objection is of a kind referred to in section 73(1).

(2) Only a lessee or mortgagee of licensed premises may make an objection of a kind referred to in section 73(2).

(3) Only an owner or lessor of licensed premises, or of premises in respect of which a licence is sought, may make an objection of a kind referred to in section 73(3).

(4) Only an owner or lessor of licensed premises may make an objection of a kind referred to in section 73(4).

(5) An objection may be made on behalf of an unincorporated body of persons by an agent properly appointed for the purpose.

[Section 74 inserted: No. 20 of 2025 s. 80.]

75. Requirements for objections

(1) If an objection states that the grant of an application would not be in the public interest —

(a) the objection must set out the reasons the person making the objection considers the objection can be made out; and

(b) the Director may require either or both of the following —

(i) that the person making the objection provide further particulars of the matters to which the objection relates;

(ii) that notice of any facts or grounds alleged, or argument made, in the objection, or other information relating to the objection, be given to the applicant in a particular manner.

(2) The Director may require a person who makes an objection to an application to verify, on oath or affirmation or by statutory declaration —

(a) whether the person has any direct or indirect pecuniary interest in the refusal of the application, or any expectation of such an interest; or

(b) whether any person other than the person who makes the objection is interested in the making of the objection and, if so —

(i) the name of each such person; and

(ii) if the person is a proprietary company, the names of its directors and principal shareholders;

or

(c) any other matter required by the Director.

[Section 75 inserted: No. 20 of 2025 s. 80.]

Subdivision 3 — Official submissions

[Heading inserted: No. 20 of 2025 s. 80.]

76. What are official submissions

An ***official submission*** is a submission permitted to be made under this Subdivision.

[Section 76 inserted: No. 20 of 2025 s. 80.]

76A. Who is an official

A person who may make an official submission is an ***official***.

[Section 76A inserted: No. 20 of 2025 s. 80.]

76B. Police submissions

(1) The Commissioner of Police may make a submission about —

(a) whether or not a person is a fit and proper person; or

(b) whether public disorder or disturbance would be likely to result if a particular application were granted; or

(c) the interest that a person may have in a licence; or

(d) any other matter relevant to the public interest.

(2) The Commissioner of Police —

(a) may investigate or inquire into the background and antecedents of an applicant or an interested person; and

(b) must, if required to do so by the Director, report to the Director about —

(i) the background, antecedents, character and reputation of an applicant or an interested person; and

(ii) any disqualification under this Act or the *Liquor Act 1970* that may relate to an applicant or an interested person.

(3) A report under subsection (2)(b) is taken to be an official submission by the Commissioner of Police (in addition to any submission made under subsection (1)).

[Section 76B inserted: No. 20 of 2025 s. 80.]

76C. Local government submissions

A local government of the district in which licensed premises are, or proposed licensed premises would be, situated may make a submission about —

(a) whether the premises are suitable to be, or to continue to be, licensed or the subject of a permit; and

(b) whether a proposed alteration to, or redefinition of, the premises should be approved; and

(c) whether persons who reside, work or worship in the vicinity of the premises would be likely to suffer undue offence, annoyance, disturbance or inconvenience if a particular application were granted; and

(d) the requirements of the following, to the extent the requirements are relevant to the application —

(i) the *Health (Miscellaneous Provisions) Act 1911*;

(ii) the *Food Act 2008*;

(iii) a written law relating to sewerage or drainage;

(iv) the *Local Government Act 1995* or the *Building Act 2011*, in so far as those Acts relate to health matters.

[Section 76C inserted: No. 20 of 2025 s. 80.]

76D. Tourism submissions

The chief executive officer appointed under the *Western Australian Tourism Commission Act 1983* section 17 may make a submission about —

(a) whether any tourism benefits might result if a particular application were granted; and

(b) any other matter relevant to the proper development of the tourism industry in the State.

[Section 76D inserted: No. 20 of 2025 s. 80.]

76E. Health submissions

(1) The Chief Health Officer may make a submission about —

(a) the harm or ill-health caused to people, or any group of people, due to the use of liquor; and

(b) the minimisation of that harm or ill-health.

(2) The Chief Health Officer may authorise a person in writing to make a submission on behalf of the Chief Health Officer only if the person is —

(a) a medical practitioner who is registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession; and

(b) employed or engaged in the department principally assisting the Minister in the administration of the *Health (Miscellaneous Provisions) Act 1911*.

[Section 76E inserted: No. 20 of 2025 s. 80.]

76F. Submissions about club licence applications

An interested person may make a submission about an application relating to a club licence, to the extent relevant to the application, in respect of the following matters —

(a) the hours during which the sale of liquor should be authorised under the licence;

(b) the conditions to which the licence should be subject;

(c) whether an existing condition of the licence should be varied or cancelled;

(d) the removal of the licence;

(e) the conduct and management of the club.

[Section 76F inserted: No. 20 of 2025 s. 80.]

Subdivision 4 — General submissions

[Heading inserted: No. 20 of 2025 s. 80.]

76G. What are general submissions

(1) A ***general submission*** is a submission that is not —

(a) an objection; or

(b) an official submission.

(2) A general submission may, but need not, support or oppose an application.

[Section 76G inserted: No. 20 of 2025 s. 80.]

76H. Who may make general submissions

Any person may make a general submission.

[Section 76H inserted: No. 20 of 2025 s. 80.]

76I. Dealing with general submissions

The Director may, but need not, acknowledge receipt of a general submission.

[Section 76I inserted: No. 20 of 2025 s. 80.]

Division 7B — Alteration and redefinition of premises

[Heading inserted: No. 20 of 2025 s. 80.]

76J. Consent to alteration or redefinition of licensed premises

(1) The Director must refuse an application for approval of a proposed alteration to, or redefinition of, licensed premises unless the applicant satisfies the Director that the following persons have consented to the application —

(a) the owner of the premises;

(b) if the premises are occupied under a lease — the lessor of the premises.

(2) The Director may waive a requirement under subsection (1) if the Director considers that —

(a) a consent has been capriciously or unreasonably withheld; or

(b) it is in the public interest to do so.

[Section 76J inserted: No. 20 of 2025 s. 80.]

77. No alteration of licensed premises without approval; application for approvals of alterations or redefinition of premises

(1) Subject to subsection (3), an owner, occupier or licensee of licensed premises, shall not, without the prior approval of the Director, make any alteration in —

(a) the construction or completion of premises the subject of plans or specifications submitted under section 62, in such a way as materially to alter the veracity of those plans or specifications; or

(b) any licensed premises.

Penalty for this subsection: a fine of $15 000.

(2) Where the Director determines that an alteration has been made which may be a contravention of subsection (1) the Director may —

(a) give directions in relation to the alteration; and

(b) suspend the operation of the licence until such time as the owner, occupier or licensee complies with those directions.

(3) For the purposes of this section —

(a) an alteration is taken to be made if it comprises or consists of —

[(i) deleted]

(ii) a change to the use of any premises, accommodation or facilities; or

(iii) an addition to, or reduction in the area of, the premises;

and

(b) the renovation of, or of the accommodation or facilities provided by, the premises is, if it is not an alteration of a kind referred to in paragraph (a), taken to be work that does not require the prior approval of the Director.

(4) On application in writing being made by the owner or occupier of the licensed premises, or by the licensee with the consent of the owner and any lessor, the Director may approve —

(a) a proposed alteration of licensed premises; or

(b) unless section 80 applies, the redefinition of the licensed premises as defined in the licence.

(5) The Director must refuse an application made under subsection (4) unless satisfied that all other approvals, consents or exemptions required by law in respect of that alteration have been obtained, and if so satisfied may vary the terms or conditions of a licence accordingly.

(5a) An application for the alteration or redefinition of licensed premises as defined in a licence that seeks to include in those licensed premises an area that is not contiguous with those licensed premises must be refused unless section 80 applies or the premises —

(a) are entered in the State Register of Heritage Places established and maintained under the *Heritage Act 2018*; or

(b) are of a prescribed type or class.

[(6) deleted]

(7) If licensed premises are changed, whether or not in a manner amounting to an alteration within the meaning of subsection (3),

the licensee shall so advise the Director in writing, not later than 14 days after the change is effected, and shall as soon as is practicable thereafter provide such copies as the Director may require of plans showing the premises as so changed together with —

(a) a copy of each approval, consent or exemption obtained under any law permitting or approving the change; or

(b) evidence to the satisfaction of the Director that all approvals, consents or exemptions required by law in respect of the change have been obtained.

[(8), (9) deleted]

(10) The Director may dispense with the requirement that any approval, consent or exemption be obtained if the Director considers that —

(a) it has been capriciously or unreasonably withheld; or

(b) it is in the public interest to do so.

[Section 77 amended: No. 26 of 2001 s. 6(1); No. 73 of 2006 s. 57 and 110; No. 56 of 2010 s. 69; No. 22 of 2018 s. 185; No. 20 of 2025 s. 40, 67, 81 and 124(1).]

77A. Restrictions on alteration or redefinition of certain packaged liquor premises

(1) In this section —

packaged liquor premises has the meaning given in section 36B(1);

prescribed area means the area prescribed for the purposes of this section;

prescribed distance means the distance prescribed for the purposes of this section;

retail section, in relation to packaged liquor premises, means the part or parts of the premises on which packaged liquor is displayed for the purposes of sale or sold.

(2) Subsection (3) applies to packaged liquor premises if —

(a) the premises are situated less than the prescribed distance from other packaged liquor premises; and

(b) the area of the retail section of the other packaged liquor premises exceeds the prescribed area.

(3) The Director must refuse an application made under section 77(4) in respect of packaged liquor premises to which this subsection applies —

(a) if —

(i) the area of the retail section of the premises does not exceed the prescribed area; and

(ii) the proposed alteration or redefinition of the premises would increase the area of the retail section of the premises so that it exceeds the prescribed area;

or

(b) if —

(i) the area of the retail section of the premises exceeds the prescribed area; and

(ii) the proposed alteration or redefinition of the premises would increase the area of the retail section of the premises.

(4) Regulations made for the purposes of the definition of ***prescribed distance*** in subsection (1) may prescribe different distances in relation to packaged liquor premises in different areas of the State.

[Section 77A inserted: No. 9 of 2018 s. 45; amended: No. 20 of 2025 s. 67 and 124(1).]

Division 8 — Removals

78. Casino liquor licence not removable without authority

A casino liquor licence is not capable of being removed without the consent of the Gaming and Wagering Commission, and a licence of any class granted in respect of premises that were at the time of the grant comprised within or adjacent to a casino complex shall not be removed to premises that are not within or adjacent to that complex as at the date of the application for removal.

[Section 78 amended: No. 35 of 2003 s. 173(4).]

79. Licence relating to transport, when removable

A licence which relates to one particular means of transport may, on an informal application in writing being made to the Director, be varied or removed so as to apply to another.

80. Temporary removal or redefinition of licence

(1) Where any licensed premises are, wholly or partially, rendered incapable of use for the business carried on there under the licence by reason of —

(a) fire or other unforeseen or unavoidable calamity; or

(b) being repaired or rebuilt, or for the time being required for any public purpose,

the licensee may, on informal application in writing being made to the Director, apply for a removal of the licence temporarily, for a period not exceeding 12 months, to some other portion of the premises or to other premises in the vicinity, or for a redefinition of the licensed premises for that period.

(2) An application made under subsection (1) may be granted by the Director even if —

(a) any premises to which the licence is to be temporarily removed, or the redefinition of the premises, would not,

ordinarily, conform to the requirements of the Director; or

(b) consents that would normally be required have not been obtained; or

(c) no opportunity for objection has been afforded.

(3) Where the Director is of the opinion that a removal of a licence under subsection (1) is not appropriate, the Director may suspend the operation of the licence or may redefine the licensed premises even if the application made was in respect of a temporary removal.

[Section 80 amended: No. 73 of 2006 s. 58; No. 20 of 2025 s. 67 and 124(1).]

81. Applications for removal of licence

(1) Subject to section 78, 79, and 80, the Director has the same powers in relation to an application for the removal of a licence as the Director has in relation to an application for the grant of a new licence of that class.

(2) Subject to section 78, an application for a removal must be made by the person wishing to hold the licence after the removal.

(3) An applicant for the removal of a licence must satisfy the Director —

[(a) deleted]

(b) that the requirements of this Act in relation to the grant of a new licence of that class are met in relation to —

(i) the licence sought to be removed; and

(ii) the premises to which it is sought to be removed;

and

(c) that adequate notice of the proposed application had been given —

(i) to the owner and any lessor or lessee of the premises to which the licence is sought to be removed; and

(ii) to the owner, and any lessor, lessee or mortgagee of the premises from which it is proposed to remove the licence;

and

(d) where the applicant is not the holder of the licence sought to be removed, that the licence should be transferred to the applicant.

[(4) deleted]

(5) The removal of a licence —

(a) shall be effected by an endorsement made on the licence by the Director, in the approved form, substituting the name of the premises to which the licence is removed for that of the premises to which it previously applied; and

(b) takes effect on the date specified in that endorsement,

on an application for the proposed removal being granted.

(6) Where a licence the operation of which is suspended is removed, the licence when removed shall then be in force for all purposes, unless the Director in an appropriate case orders that the suspension continues to have effect.

(7) An application for the removal of a licence cannot be made if —

(a) the licence has been conditionally granted under section 62; and

(b) the grant of the licence has not been confirmed under section 62(9).

[Section 81 amended: No. 12 of 1998 s. 55; No. 73 of 2006 s. 59; No. 20 of 2025 s. 67, 123, 124(1) and 125.]

Division 9 — Transfers

82. Applications for transfer of licences

(1) Subject to section 83, the Director has the same powers in relation to the approval of the transfer of a licence as the Director has in relation to the grant of a new licence of the same class.

(2) An application for approval of the transfer of a licence must be made by the person wishing to hold the licence after the transfer.

(3) The transfer of a licence —

(a) shall be effected by an endorsement made on the licence by the Director, in the approved form, substituting the name of the transferee for that of the person who holds or has held the licence; and

(b) takes effect on the date specified in that endorsement,

on an application for the approval of the proposed transfer being granted.

[Section 82 amended: No. 12 of 1998 s. 56; No. 20 of 2025 s. 67, 82, 123 and 124(1).]

82A. Transfer of licence between licence holders

(1) Where a licence is held jointly and one, or more, of the persons who hold the licence no longer wishes to be involved in the conduct of business under the licence, or ceases to occupy the licensed premises, then informal application in writing is to be made for the licence to be transferred to the other person, or persons, who hold the licence.

(2) Application is to be made under subsection (1) even if the interest of a person in the licence has terminated under section 37(5)(b).

(3) Where application has not been made under subsection (1) within 28 days of a person ceasing to be involved in the conduct of business under a licence or ceasing to occupy the licensed premises then the Director may suspend the operation of the licence.

[Section 82A inserted: No. 12 of 1998 s. 57; amended: No. 20 of 2025 s. 14 and 67.]

83. Certain licences not transferable

(1) A casino liquor licence is not capable of being transferred without the consent of the Gaming and Wagering Commission.

(2) A club licence is not capable of being transferred.

(3) An occasional licence is not capable of being transferred.

[Section 83 amended: No. 35 of 2003 s. 173(4).]

84. Pre-requisites for transfer of licence

(1) The Director must refuse an application for approval of the transfer of the licence in relation to any premises unless the application is made —

(a) pursuant to a contract for the sale or assignment of the right of the licensee to carry on business under the licence, the licensee consenting to the application; or

(b) by a person who —

(i) has under section 86 a right to carry on the business of the licensee; or

(ii) may, under section 87, be granted a business continuity order;

or

(c) with the permission of the Director,

but where the Director is satisfied that a licensee can not be found or has unreasonably or capriciously refused to consent the requirement for that consent may be waived.

(2) A licensee shall not purport to sell or assign the right to carry on business under the licence or to sell or assign the licence itself unless —

(a) the contract of sale or assignment is subject to a condition precedent under which the prior approval by the Director of the proposed transfer of the licence is a prerequisite to the contract taking effect; or

(b) the Director has approved the proposed transfer.

(3) Where an application for approval of a transfer is made on the grounds that the licensee has been evicted from, or has ceased to occupy or to carry on business at, the licensed premises or that to the exclusion of the licensee the owner of the licensed premises has come into or become entitled to possession of those premises, the Director must refuse the application unless the Director is satisfied —

(a) that notice of the application was given by the applicant to that licensee at least 3 days before the day on which the application is to be determined; or

(b) that all reasonable steps were taken to give notice to that licensee, and that any failure to give the notice is not attributable to the applicant or a person employed by the applicant.

(4) An applicant for approval of the transfer of a licence —

(a) must satisfy the Director —

(i) that the applicant is a fit and proper person to hold the licence; and

(ii) as to the matters referred to in section 37(1)(a), (b), (c) and (d);

and

(b) shall cause to be provided to the Director, in the approved form, a return of liquor purchased or sold by the transferor under the licence up to a date specified by the Director, being the date on which the transfer is to take effect or the date up to which the transferor last carried on business; and

(c) shall provide or cause to be provided such further or other records or information as the Director may require,

but, in particular circumstances, the Director may waive or modify the requirement for the provision of any, or any particular, document or information.

(5) On an application for approval to a proposed transfer of a licence the Director may make the grant of approval subject to such terms and conditions as the Director thinks fit, including —

(a) a condition that any moneys due under this Act up to the date of transfer shall be paid to the Director; and

(b) a condition requiring the carrying out of works or repairs on the licensed premises.

(6) An application for approval of the transfer of a licence may be granted even if —

(a) the operation of the licence is suspended; or

[(b) deleted]

(c) a business continuity order has effect,

and where a licence is so transferred it shall then be in force for all purposes, unless the Director otherwise determines and so orders.

[Section 84 amended: No. 12 of 1998 s. 58; No. 73 of 2006 s. 60 and 111(7); No. 20 of 2025 s. 7, 67 and 123.]

85. Transferee to succeed to certain of transferor's liabilities and rights

(1) Where a licence is transferred the transferee of the licence succeeds to the liabilities of the transferor under this Act, even if the licence transferred may be a licence to which section 84(6) refers.

[(2) deleted]

(3) Where a producer's licence is transferred, the transferee may sell, under that licence, liquor produced by the transferor or a previous licensee or occupier of the licensed premises before the date of the transfer as if it had been produced by the transferee.

[Section 85 amended: No. 56 of 1997 s. 32; No. 20 of 2025 s. 67.]

Division 10 — Interim authorisations and business continuity orders

[Heading amended: No. 20 of 2025 s. 7.]

86. Interim authorisations to carry on business under licence

(1) In this section, a reference to the business of the licensee is a reference to the business carried on by the licensee under the licence immediately before the death of the licensee, or the bankruptcy or other disability or event referred to in this section, occurred.

(2) Subject to subsection (4), where a licensee dies —

(a) the executor or other person entitled to, or who has obtained, a grant of administration of the estate of the licensee; or

(b) a relative or legatee of the licensee, being a person approved by the Director; or

(c) a nominee of any such person who is approved by the Director,

may carry on the business of the licensee as though that person were the licensee until the expiration of 3 months from the date of death of the licensee.

(3) Subject to subsection (4), where a licensee becomes permanently disabled by accident, physical or mental illness, or infirmity from carrying on business under the licence —

(a) a person authorised or appointed by law to administer the affairs of the licensee; or

(b) a relative of the licensee, being a person approved by the Director; or

(c) a nominee of any such person who is approved by the Director,

may carry on the business of the licensee as though that person were the licensee until the expiration of 3 months from the date of that person going into possession of the licensed premises.

(4) Where a licence is held jointly and a holder of the licence dies or becomes permanently disabled by accident, physical or mental illness, or infirmity from carrying on business under the licence, the remaining holder or holders of the licence may be treated, for the purposes of this Act, as the sole licensee or as the licensees, if —

(a) the Director is notified in writing of the name and date of death or disability of that holder and of the reasons for any disability alleged as soon as is practicable; and

(b) the Director acknowledges that the disability alleged will be regarded by the Director as a permanent disability.

(5) Where a licensee is insolvent under administration, within the meaning of the *Corporations Act 2001* of the Commonwealth, the person who has lawful control of the licensed premises, or a nominee of any such person who is approved by the Director, may carry on the business of the licensee as though that person

were the licensee until the expiration of 3 months from the date of going into possession of the licensed premises.

(6) Where a licensee that is a body corporate becomes a Chapter 5 body corporate, within the meaning of the *Corporations Act 2001* of the Commonwealth, the person who has lawful financial control of the licensed premises, or a nominee of any such person who is approved by the Director, may carry on the business of the licensee as though that person were the licensee until the expiration of 3 months from the date of going into possession of the licensed premises.

(7) Where a petition for the bankruptcy of a licensee, or to wind up a licensee that is a body corporate, is filed the licensee shall notify the Director in writing of that fact and of the date of filing, within 7 days of the date of filing.

(8) Where a person applies to the Director —

(a) for approval to carry on a business; or

(b) for some other person sought to be appointed to be approved as nominee by the Director,

under this section, if the Director is satisfied on the information then before the Director that there is nothing that would have precluded the grant of approval of a transfer to that person the application under this subsection may be granted, without opportunity for objection, and the Director must cause the name of that person and of any approved nominee to be endorsed on the licence but the endorsement is evidence of the authorisation to carry on business under this section only and does not operate as a transfer or prejudice the consideration of an application for approval of a transfer.

(9) A person who exercises a right to carry on the business of a licensee, otherwise than with the prior approval of the Director, shall within 7 days after commencing to do so, notify the Director in writing of that fact, of the date of commencing to do so, and of the circumstances by reference to which the right is

claimed and shall provide to the Director such further or other information or records as may be required by the Director.

(10) Where —

(a) a person purports to exercise the right to carry on the business of a licensee under this section for a period of more than 3 months, and no relevant business continuity order under section 87 applies; or

(b) the business of a licensee ceases to be carried on by the licensee but no person exercises a right conferred by this section; or

(c) a person who is not authorised under this section or section 87 to carry on the business formerly carried on by a licensee purports to exercise a right to do so,

the operation of the licence may be taken by the Director to have been suspended as from such date as the Director may determine.

[Section 86 amended: No. 12 of 1998 s. 59; No. 10 of 2001 s. 220; No. 73 of 2006 s. 61; No. 14 of 2025 s. 8(2); No. 20 of 2025 s. 5, 7, 67 and 124(1).]

87. Grant and term of business continuity orders

(1) Where —

(a) a licensee ceases to occupy, or to carry on business in, licensed premises, and the owner, lessor or mortgagee of the licensed premises applies within 28 days thereafter; or

(b) the operation of a licence is suspended and a person satisfies the Director that loss is thereby likely to result if an order is not granted under this section; or

(c) a person, being a person who is authorised to carry on the business of a licensee under section 86 but who wishes to carry on that business for a period in excess of 3 months, applies within that period of 3 months; or

(d) following the occurrence of the death of a licensee or other disability or event referred to in section 86, an application for a transfer of a licence is intended to be made or remains to be determined, and the proposed transferee applies; or

(e) the local government of a district that is situate in a rural area applies on the ground that a hotel or liquor store serving the local community has ceased to carry on business,

the Director may, on payment of the prescribed fee and on such conditions as the Director thinks fit, grant to the applicant, or to a nominee of the applicant approved by the Director, an authorisation, in this Act referred to as a ***business continuity order***, to sell liquor and to carry on the business of the licensee, or former licensee, on or from the licensed premises as if that person were the licensee, if the Director is satisfied on the information before the Director that there is nothing that would have precluded the grant of approval to a transfer to that applicant.

(2) A business continuity order —

(a) takes effect on the date specified in the order; and

(b) ceases to have effect —

(i) on the expiry of such period of not more than 6 months, or where subsection (1)(e) applies 12 months, as is specified in the order; or

(ii) on the Director approving the transfer of the licence in respect of the premises to which the order relates, or on the surrender or the cancellation of that licence; or

(iii) on the granting of a new licence in respect of those premises; or

(iv) on the coming into force of a business continuity order for the premises superseding that previous order; or

(v) on the date specified in a notice given under subsection (7),

whichever first happens,

and whilst it continues in force this Act applies to the holder as if that person were the holder of a licence.

(3) A business continuity order may be made for any premises so as to supersede a previous business continuity order if the Director is satisfied that —

(a) the person granted the previous business continuity order consents to its being superseded by —

(i) a subsequent order granted to that person, whether on the same or different terms or conditions; or

(ii) an order granted to some other person who is entitled by subsection (1);

or

(b) during the period the order has had effect no application has been made for a transfer of the licence or the grant of a new licence in respect of the premises, and that the person granted the previous business continuity order —

(i) does not propose or is not qualified so to apply; or

(ii) is for any reason unable to carry on business under the business continuity order,

and some other person entitled by subsection (1) applies for an order.

(4) The Director shall cause a memorandum of the terms of, and conditions imposed on, a business continuity order to be endorsed on the licence to which it relates.

(5) Where the operation of a licence is suspended and a person is granted a business continuity order in respect of the premises to which that licence related, all moneys due under this Act (including any moneys that may have fallen due during any period when the operation of the licence concerned was suspended, or it was not in force, and which would not have been payable had the business continuity order not been made) shall, unless the Director otherwise requires or consents, be payable under that order as though the licence had remained in force and had been held by the person who is the holder of the business continuity order.

(6) Where more than one person claims the right to carry on the business of a licensee under a licence or applies for a business continuity order in respect of the same licence, the Director shall determine the matter and may —

(a) suspend the operation of the licence; or

(b) grant a business continuity order to such applicant or claimant as the Director approves.

(7) A business continuity order granted under subsection (1)(c) may be cancelled by notice in writing given by the Director to the holder specifying a date on which it is to cease to have effect, where the Director is satisfied that the licensee of the licence to which the order relates is no longer under the disability which occasioned the granting of the order.

[Section 87 amended: No. 14 of 1996 s. 4; No. 12 of 1998 s. 60; No. 73 of 2006 s. 62; No. 20 of 2025 s. 6, 7 and 124(1).]

88. Effect of business continuity orders

(1) The grant of a business continuity order, or the carrying on of business under section 86, or an authorisation under section 86 does not —

(a) affect a licence; or

[(b) deleted]

(c) operate as a transfer; or

(d) prejudice the consideration of an application for approval of a transfer,

in respect of the premises to which it relates.

(2) Where a business continuity order has effect in relation to any premises any application under this Act in respect of those premises must be refused unless the Director is satisfied —

(a) that notice of the application was given by the applicant to the holder of the business continuity order at least —

(i) 7 days before determination of the application; or

(ii) if the application is an advertised application — 3 days before its submission deadline;

or

(b) that all reasonable steps were taken to give notice to the holder of the business continuity order, and that any failure to give the notice is not attributable to the applicant or a person employed by the applicant,

and the holder of the business continuity order may make a submission about the application.

[Section 88 amended: No. 12 of 1998 s. 61; No. 20 of 2025 s. 7, 67 and 83.]

89. Disputes about terms of leases

Where in relation to any premises a dispute arises as between the owner or lessor and a licensee or former licensee as to the

terms of any lease under which the licensee carries on or the former licensee carried on business, or as to compensation relating to any such lease or former lease, which the Director considers has an impact on requirements to be met under this Act, the Director may —

(a) suspend the operation of the licence, pending determination of the dispute in a manner approved by the Director; or

(b) grant a business continuity order in respect of the premises to any party to the dispute.

[Section 89 amended: No. 12 of 1998 s. 62; No. 20 of 2025 s. 7.]

Division 11 — Suspensions

*[**90.** Deleted: No. 73 of 2006 s. 63.]*

91. Suspension of licence or permit in the public interest

(1) The Director may, on the Director's own initiative or on an application made by or on behalf of the Commissioner of Police, suspend the operation of any licence or permit, for such period or on such occasion as the Director thinks fit, if the Director considers it is in the public interest to do so.

(2) Without limiting subsection (1), the Director may, after giving the licensee a reasonable opportunity to make submissions or to be heard, suspend the operation of a licence if —

(a) the licence is other than an occasional licence; and

(b) it appears to the Director that —

(i) contrary to the condition referred to in section 37(5), the licensee has ceased to occupy the licensed premises to the exclusion of others; or

(ii) in the case of a club restricted licence — contrary to the condition referred to in

section 48(4)(a)(i) the licensee has ceased to occupy the licensed premises to the exclusion of others during the times when the sale of liquor is authorised by the licence.

[Section 91 amended: No. 73 of 2006 s. 64; No. 20 of 2025 s. 67.]

92. Suspension because business has ceased etc.

The Director may, after (where practicable) giving the holder a reasonable opportunity to make submissions or to be heard, suspend the operation of a licence if —

(a) it appears to the Director that the licensee has ceased to carry on business at the licensed premises; or

(b) where the licensee is a body corporate, an event described in section 102(1)(a) or (b) has occurred.

[Section 92 amended: No. 12 of 1998 s. 63.]

92A. Cancellation of suspension

If the Director is satisfied that the suspension of the operation of a licence or permit under this Division is no longer justified, the Director shall cancel that suspension.

[Section 92A inserted: No. 12 of 1998 s. 64.]

93. Cancellation of suspended licences

(1) Where the operation of a licence or a permit relating to a licence is suspended, or is taken to have been suspended, and the Director after (where practicable) giving the holder a reasonable opportunity to make submissions or to be heard, is satisfied —

(a) that the licensee does not intend to resume the business carried on in the premises, or on the site of the premises, for which the licence was granted; and

(b) that the relevant period has elapsed from the day on which the licence or permit was suspended, or taken to have been suspended,

the Director may, by notice in writing, specify that the licence is cancelled at the expiry of such period as may be specified in that notice unless it is again in force for all purposes before the expiry of that period, and effect shall be given to the notice.

(1a) In subsection (1)(b) —

relevant period means 28 days or any greater period prescribed.

(2) The Director may, on application, extend the period specified in a notice made under subsection (1).

[Section 93 amended: No. 12 of 1998 s. 65; No. 73 of 2006 s. 65; No. 20 of 2025 s. 67.]

Division 12 — Surrenders

94. Surrendering licences

(1) A person who is the holder of a licence or who is under section 86 authorised to carry on the business of a licensee may, by notice in writing to the Director, give notice of intention to surrender the licence and that licence —

(a) is taken to be surrendered; and

(b) shall cease to have effect,

on such date as is, in a notice of acceptance of the surrender given by the Director to that person, specified as the date of surrender.

(2) The surrender of a licence does not affect liabilities incurred by the licensee under this Act up to the date of surrender.

(3) The Director shall not give notice of acceptance of a surrender unless the Director is satisfied —

(a) except where the licence is a club licence, that the written consent of every person entitled to any freehold interest in the licensed premises has been sought; and

(b) in the case of a club licence, that —

(i) the members of the club at a duly convened general meeting of members; or

(ii) where no such meeting is convened, any trustees of the club,

have by a majority resolution consented to the surrender, or that the surrender is otherwise appropriate; and

(c) in all other cases, that so far as is practicable the consent of every person entitled to any interest in the licensed premises has been sought; and

(d) in all cases, that so far as is practicable the consent of every person entitled to any interest in the licensed premises under —

(i) a lease; or

(ii) a mortgage, charge or security affecting the premises,

has been sought,

and that, except where reasonable cause is shown why a consent can not and should not be required to be obtained, all the persons of whom consent has been sought have so consented.

(4) In subsection (3), a reference to an interest includes an interest in possession, reversion or remainder.

[Section 94 amended: No. 20 of 2025 s. 67.]

Division 13 — Disciplinary matters

95. Grounds and procedure for disciplinary action against licensees

(1A) In this section —

employee, of the licensee, includes —

(a) a person engaged under a contract for services by the licensee; and

(b) a person who —

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

(ii) 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.

(1) The Tribunal may, on a complaint lodged under this section, take disciplinary action.

(2) The complaint must allege that proper cause for disciplinary action exists and set out the grounds on which that allegation is based.

[(3) deleted]

(4) There shall be proper cause for disciplinary action if —

(a) the business conducted under the licence is not properly conducted in accordance with the licence; or

(b) the licensed premises are not properly managed in accordance with this Act; or

(c) the licensed premises —

(i) have fallen into disrepair; or

(ii) are otherwise in an unsatisfactory condition; or

(iii) have been altered without the prior approval of the Director; or

(iv) contravene the requirements of a written law as to planning, building, health, or safety;

or

(d) the owner or occupier of the licensed premises has failed to comply with a direction given under section 77(2), or a requirement made under section 99; or

(e) the licensee has —

(i) contravened a requirement of this Act or a term or condition of the licence; or

(ii) sold or supplied liquor otherwise than in accordance with the authorisation conferred by the licence; or

(iii) failed to comply with a notice, direction or order under this Act;

or

(f) the licensee has been convicted of —

(i) an offence under this Act;

(ia) an offence under the *Food Act 2008* in relation to the licensed premises;

(ii) an offence in any jurisdiction, that, in the opinion of the Director, may imply that the person is unfit to be the holder of a licence;

(iii) an offence under the *Health (Miscellaneous Provisions) Act 1911* in relation to the licensed premises or liquor,

or at a material time employed or engaged, in relation to the business carried on under the licence, a person who in the course of that business committed any such offence of which that person was convicted; or

(fa) the licensee has been given an infringement notice under section 167 and the modified penalty has been paid in accordance with that section; or

(g) the licensee otherwise is, or becomes, an unsuitable person to hold a licence under this Act; or

(h) a person holding a position of authority in a body corporate that holds the licence, or who is interested in the business or the profits or proceeds of the business, is or becomes not a fit and proper person to hold that position or to be so interested; or

(j) the continuation of the licence is not in the public interest or the licence has not been exercised in the public interest; or

(k) the safety, health or welfare of persons who resort to the licensed premises is endangered by an act or neglect of —

(i) the licensee; or

(ii) an employee or agent of the licensee; or

(iii) a person acting, or purporting to act, on behalf of the licensee;

or

(m) a person is convicted of unlawful gaming in respect of events that took place on the licensed premises; or

(n) a licence fee payable under this Act, or a penalty for failure to pay a fee when it becomes due or to comply with a requirement made under section 99, is not paid on or before the date fixed for payment under this Act; or

(o) a determination previously made under section 96 has been contravened.

(5) A complaint under this section may be made —

(a) by the Director; or

(b) by the Commissioner of Police, except on the grounds referred to in subsection (4)(c), (d), (n) or (o); or

(c) by the local government of the district in which the licensed premises are situated or of any adjoining district, except on the grounds referred to in subsection (4)(d), (f), (h), (m), (n) or (o).

(5a) The complainant is to lodge the complaint with the Tribunal and is to serve a copy of the complaint on the licensee.

(6) Where a complaint is lodged under this section, the Director, if satisfied that the safety, health or welfare of the public so requires, may impose a condition on, or vary or suspend the

operation of a previous condition imposed on, a licence, to have effect pending determination of the complaint.

(7) Notice of a complaint under this section and of the time and place appointed for the hearing of the complaint shall be served by the Tribunal —

(a) on the licensee; and

(b) where the complaint is made on the grounds referred to —

(i) in subsection (4)(c) or (d), the owner or occupier of the premises; or

(ii) in subsection (4)(h), the person concerned,

in respect to whom the allegation is made; and

(c) any other person the Tribunal may direct.

(7a) When hearing a complaint under this section, the Tribunal is to be constituted by 3 members, including a member who is a lawyer.

(8) In this section and section 96, a reference —

(a) to a licence, includes a reference to a permit which relates to the licence, and to a business continuity order; and

(b) to a licensee, includes a reference to the holder of a business continuity order; and

(c) to licensed premises, includes a reference to premises the subject of a business continuity order.

(9) An infringement notice given under section 167 to the employee or agent of a licensee may be used as evidence in respect of a complaint lodged under this section with respect to that licensee.

[(10) deleted]

(11) It is not a defence to a complaint lodged under this section against a licensee to show that the licensee —

(a) did not know, or could not reasonably have been aware of or have prevented the act or omission which gave rise to the complaint; or

(b) had taken reasonable steps to prevent that act or omission from taking place.

[(12) deleted]

[Section 95 amended: No. 14 of 1996 s. 4; No. 56 of 1997 s. 33; No. 12 of 1998 s. 10(11), 35(3) and (4), 66, 70(6) and (7); No. 73 of 2006 s. 66 and 106; No. 21 of 2008 s. 675(3); No. 43 of 2008 s. 148(4); No. 19 of 2016 s. 101; No. 9 of 2018 s. 46; No. 20 of 2025 s. 7, 84 and 122.]

96. Powers to take disciplinary action

(1) Upon the appearance of the licensee, and of any other person required to be given notice of the complaint, or complaints, under section 95 or in the absence of the licensee or other person after due notice was given (where practicable), the Tribunal shall hear and determine the matter to which the complaint, or complaints, relate and, if it is satisfied, on the balance of probabilities, that the ground upon which the complaint was, or complaints, were made has been made out so that a proper cause for disciplinary action exists, the Tribunal may —

(a) issue a reprimand; or

(b) impose a condition to which the licence is to be subject or otherwise limit the authority conferred by the licence, and vary the licence accordingly; or

(c) vary or cancel a condition to which the licence is subject; or

(d) suspend the operation of the licence —

(i) until further order; or

(ii) for a specified period;

or

(e) cancel the licence; or

(f) disqualify, for such period as the Tribunal thinks fit, the licensee from holding a licence; or

(g) disqualify, for such period as the Tribunal thinks fit, a person against whom a ground of complaint was made out from being —

(i) the holder of a position of authority in a body corporate that holds a licence; or

(ii) interested in, or in the profits or proceeds of, a business carried on under a licence,

subject to subsection (3); or

(h) require a licensee, or a person against whom a ground of complaint was made out, to enter into a bond or give security for future conduct; or

(j) give directions as to the conduct of the business of the licensee; or

(k) require specified action to be taken by the licensee within a specified period; or

(m) order the licensee or a person against whom a ground of complaint was made out to pay to the Crown a monetary penalty not exceeding $75 000; or

(n) make such other order as the Tribunal thinks fit, in relation to the licensee or a person against whom a ground of complaint was made out,

or may take no action in the matter.

[(2) deleted]

(3) The Tribunal shall not impose a penalty under subsection (1)(g) or on a person liable to a penalty as a result of section 164 where it is proved that the person concerned —

(a) did not know, and should not have known, of the matter upon which the ground of complaint was made out; or

(b) had taken reasonable steps to prevent the occurrence of a matter of the kind to which the complaint, or complaints, related.

(4) Where the Tribunal is satisfied that a licensee is committing, or permitting the commission of, a continuing breach of any condition of a licence the Tribunal may by order restrain the continuance of that breach, and may make a further order that the licence shall be suspended for a specified period or cancelled with immediate effect if the Director is satisfied that the order has been contravened.

(5) The continued existence of anything in a state, or the intermittent repetition of any action, contrary to a condition of the licence is taken for the purposes of subsection (4) to be a continuing breach of that condition.

(6) Where a licence is suspended or the holder of a licence is disqualified —

(a) if so required by the Director, the licensee or person who was the holder of the licence must immediately provide to the Director, in the approved form, a return of liquor purchased or sold by that person under the licence up to the date of suspension, or the date on which business was last carried on, and shall provide or cause to be provided to the Director such further or other records or information as the Director may require; and

(b) a business continuity order may, if the Director thinks fit, be made on the application of —

(i) a member of the family of the licensee; or

(ii) the owner, lessor or mortgagee of the premises to which the licence relates; or

(iii) a person interested in, or in the profits or proceeds of, the business conducted under the licence.

[Section 96 amended: No. 73 of 1994 s. 4; No. 12 of 1998 s. 67; No. 73 of 2006 s. 106 and 111(8); No. 56 of 2010 s. 47; No. 20 of 2025 s. 7, 27, 67, 122 and 123.]

Part 4 — The conduct of business

Division 1 — Hours of trading

97. Permitted hours generally

(1) Subject to this Act and to any condition imposed by the Director a licensee is authorised to sell liquor during —

(a) such of the permitted hours specified in this Division; and

(b) such of the hours that may be specified under an extended trading permit,

as the licensee wishes to do so.

[(2) deleted]

[Section 97 amended: No. 12 of 1998 s. 68; No. 35 of 2003 s. 173(4); No. 73 of 2006 s. 67; No. 20 of 2025 s. 124(1).]

98. Hotel licence: permitted hours

(1) The permitted hours under a hotel licence are —

(a) on a day other than a Sunday — from 6 a.m. to 12 midnight;

(b) on a Sunday — from 10 a.m. to 12 midnight;

[(c) deleted]

(d) on New Year's Day — from immediately after 12 midnight on New Year's Eve to 2 am and then in accordance with paragraph (a) or (b), as the case requires;

(e) on Good Friday or Christmas Day — from 10 am to 12 midnight, but only for the sale of liquor for consumption on the licensed premises;

(f) on ANZAC Day — from 10 am to 12 midnight.

(2) The permitted hours under a hotel licence for the sale of liquor to a lodger are unrestricted.

[Section 98 inserted: No. 73 of 2006 s. 68; amended: No. 35 of 2015 s. 12; No. 9 of 2018 s. 47; No. 20 of 2025 s. 41.]

98AA. Small bar licence: permitted hours

The permitted hours under a small bar licence are —

(a) on a day other than a Sunday — from 6 am to 12 midnight;

(b) on a Sunday — from 10 am to 12 midnight;

(c) on New Year's Day — from immediately after 12 midnight on New Year's Eve to 2 am and then in accordance with paragraph (a) or (b), as the case requires;

(d) on Good Friday or Christmas Day — from 10 am to 12 midnight;

(e) on ANZAC Day — from 10 am to 12 midnight.

[Section 98AA inserted: No. 9 of 2018 s. 48; amended: No. 20 of 2025 s. 42.]

98A. Nightclub licence: permitted hours

(1) The permitted hours under a nightclub licence are —

(a) on a day other than a Sunday — from 6 p.m. to 12 midnight and then continuing to 5 a.m. on the next day;

[(b) deleted]

(c) on a Sunday that is not New Year's Eve — from 8 p.m. to midnight and then continuing to 2 a.m. on the next day;

(d) on a Sunday that is New Year's Eve — from 8 p.m. to midnight and then continuing to 5 a.m. on the next day;

(e) on Good Friday or Christmas Day —

(i) from immediately after 12 midnight on the previous day to 5 am; and

(ii) from 8 pm to midnight and then continuing to 2 am on the next day;

[(f) deleted]

(g) on ANZAC Day — from immediately after 12 midnight on the previous day to 5 am and then in accordance with paragraph (a) or (c), as the case requires.

[(2) deleted]

[Section 98A inserted: No. 73 of 2006 s. 68; amended: No. 56 of 2010 s. 48; No. 35 of 2015 s. 13; No. 9 of 2018 s. 49; No. 20 of 2025 s. 43.]

98B. Casino liquor licence: permitted hours

The permitted hours under a casino liquor licence are as specified in the particular licence.

[Section 98B inserted: No. 20 of 2025 s. 44.]

98C. Special facility licence: permitted hours

The permitted hours under a special facility licence are as specified in the particular licence.

[Section 98C inserted: No. 73 of 2006 s. 68.]

98D. Liquor store licence: permitted hours

(1) The permitted hours under a liquor store licence are —

(a) on a day other than a Sunday, Good Friday, Christmas Day or ANZAC Day — from 8 a.m. to 10 p.m.;

(b) on a Sunday that is not ANZAC Day — subject to subsection (2), from 10 a.m. to 10 p.m.;

(c) on ANZAC Day — from 12 noon to 10 p.m.

(2) Subsection (1)(b) applies only to liquor stores in the metropolitan area.

(3) There are no permitted hours under a liquor store licence on Good Friday or Christmas Day.

[Section 98D inserted: No. 73 of 2006 s. 68.]

98E. Club licence and club restricted licence: permitted hours

(1) The permitted hours under a club licence (other than a club restricted licence), excluding Good Friday, Christmas Day or ANZAC Day, are —

(a) on a day other than a Sunday —

(i) from 6 a.m. to 12 midnight; and

(ii) then continuing, if the following day is other than a Sunday or New Year's Day, to 12.30 a.m., but only for liquor sold ancillary to a meal supplied by or on behalf of the licensee;

(b) on a Sunday that is not New Year's Eve —

(i) from immediately after 12 midnight on the previous day to 1 a.m.; and

(ii) from 10 a.m. to 10 p.m.;

(c) on a Sunday that is New Year's Eve —

(i) from immediately after 12 midnight on the previous day to 1 a.m.; and

(ii) from 10 a.m. to 12 midnight;

(d) on New Year's Day — from immediately after 12 midnight on the previous day to 2 a.m. and then in accordance with paragraph (a) or (b)(ii), as the case requires.

(2) The permitted hours under a club licence (other than a club restricted licence) on Good Friday, Christmas Day and ANZAC Day are —

(a) on Good Friday or Christmas Day —

(i) from immediately after 12 midnight on the previous day to 12.30 am; and

(ii) from 10 am to 10 pm,

but only for the sale of liquor for consumption on the licensed premises;

(b) on ANZAC Day —

(i) that is a Sunday — from immediately after 12 midnight on the previous day to 1 am and from 10 am to 12 midnight; or

(ii) that is not a Sunday — from immediately after 12 midnight on the previous day to 12.30 am and from 10 am to 12 midnight.

[(c) deleted]

(3) The permitted hours under a club licence (other than a club restricted licence) for the sale of liquor to a lodger who is a member of the club are unrestricted.

(4) The permitted hours under a club restricted licence are as specified in the particular licence.

[Section 98E inserted: No. 73 of 2006 s. 68; amended: No. 9 of 2018 s. 50; No. 20 of 2025 s. 45.]

98F. Restaurant licence: permitted hours

The permitted hours under a restaurant licence are at any time except from 3 a.m. to 10 am on ANZAC Day.

[Section 98F inserted: No. 73 of 2006 s. 68; amended: No. 20 of 2025 s. 46.]

98G. Producer's licence: permitted hours

(1) The permitted hours under a producer's licence are —

(a) subject to subsection (2), on a day other than Good Friday, Christmas Day or ANZAC Day — at any time;

(b) on Good Friday or Christmas Day — from 10 am to 12 midnight, but only for the sale of liquor for consumption on the licensed premises;

(c) on ANZAC Day — from 10 am to 12 midnight.

(2) For the purposes of section 55(1)(a), the permitted hours in relation to the sale or supply of beer, spirits or liquor containing spirits on a day other than Good Friday or Christmas Day or ANZAC Day are from 10 am to 12 midnight.

[Section 98G inserted: No. 20 of 2025 s. 47.]

98H. Wholesaler's licence: permitted hours

(1) The permitted hours under a wholesaler's licence are —

(a) on a day other than Good Friday, Christmas Day or ANZAC Day — at any time;

(b) on ANZAC Day — from 12 noon to 12 midnight.

(2) There are no permitted hours under a wholesaler's licence on Good Friday and Christmas Day.

[Section 98H inserted: No. 73 of 2006 s. 68.]

Division 2 — Maintenance of the premises

99. Requirement to maintain licensed premises

(1) Every licence is subject to the conditions that the licensee —

(a) maintain the licensed premises at a standard that is reasonable having regard to the class of licence, the locality and the expectations of the public; and

(b) keep the premises and all fittings and fixtures in the premises thoroughly cleansed, in a hygienic condition and in good repair.

(2) Where the Director is of the opinion that the licensee has failed to comply with a condition referred to in subsection (1) the Director may, by notice in writing, require —

(a) the licensee; or

(b) where the Director considers that the licensee might reasonably have complied with a requirement notified under this subsection but has not, the owner,

of the premises to take specified action, carry out specified works, or provide specified things.

(3) Where the Director determines that in the public interest —

(a) licensed premises should be altered; or

(b) the furniture, fittings, accommodation, facilities, amenities or services in, or provided or to be provided by, any licensed premises are inadequate or unsuitable,

the Director may, by notice in writing, require the owner or the licensee of those premises, or both of them, to make the alteration or remedy the inadequacy or unsuitability in such manner as is specified by the Director and may require any such person to submit a proposal, accompanied by plans and specifications, for that purpose within a specified time.

[(4) deleted]

(5) In subsections (2) and (3), ***specified*** means specified in the notice given under the respective subsection.

(6) Where a licensee fails to comply with a requirement made under subsection (2) or (3), the owner of the licensed premises may, despite any express or implied covenant or agreement to the contrary, enter the premises and cause to be done or do all that was required of the licensee.

(7) Where an owner or licensee fails to comply with a requirement made under subsection (2) or (3) within the time limited in that requirement, the Director may determine that a monetary penalty, not exceeding $1 000 for each day on which the failure continues after the expiration of the time so limited, shall be payable to the Crown by that person and by notice in writing given to that person so direct and whether or not a monetary penalty is imposed a complaint may be made under section 95.

(8) Where a licensee or owner so requests, a licence may be varied by the Director to facilitate works required by this section.

[Section 99 amended: No. 12 of 1998 s. 70(1) to (4); No. 56 of 2010 s. 49; No. 20 of 2025 s. 67.]

Division 3 — Supervision and management

Subdivision 1 — Licensed premises to be supervised and managed

[Heading inserted: No. 56 of 2010 s. 14.]

100. Licensee's duties

(1) The conduct of business under a licence is always the responsibility of the licensee and shall be personally supervised and managed by a natural person, in accordance with this section.

(2) The licensee shall ensure that the conduct of business at the licensed premises is personally supervised and managed —

(a) by the licensee, if there is only one licensee and that licensee is a natural person; or

(b) by a person who is —

(i) unless subparagraph (ii) applies — an approved unrestricted manager; or

(ii) in the case of a club licence, club restricted licence or occasional licence that is not subject to a condition imposed under section 48(5A)

or 59(6A) — an approved unrestricted manager or an approved restricted manager;

or

(c) by a person appointed in accordance with subsection (3) to act as a temporary manager of the premises.

Penalty for this subsection: a fine of $15 000.

(2a) Without limiting subsection (2), the licensee is to ensure, unless the Director otherwise approves, that there is present at the licensed premises at any time when business is conducted at the premises —

(a) a person who is —

(i) unless subparagraph (ii) applies — an approved unrestricted manager; or

(ii) in the case of a club licence, club restricted licence or occasional licence that is not subject to a condition imposed under section 48(5A) or 59(6A) — an approved unrestricted manager or an approved restricted manager;

or

(b) a person appointed in accordance with subsection (3) to act as a temporary manager of the premises.

Penalty for this subsection: a fine of $15 000.

(2b) Subsection (2a) does not apply in relation to the conduct of business at licensed premises at a particular time if —

(a) there is only one licensee and that licensee is a natural person; and

(b) the licensee is present at those premises at that time.

(3) Subject to any condition imposed under subsection (4), a licensee, an approved unrestricted manager or an approved restricted manager may appoint a person to act as a temporary manager of licensed premises for a particular period if —

(a) unless the Director otherwise approves, at the end of that period the premises will not have been supervised and managed by a temporary manager —

(i) for more than 7 consecutive days; nor

(ii) for more than 7 days in any 28 day period;

and

(b) the person appointed has not, at any time, been found to be not a fit and proper person to manage licensed premises.

(4) Without limiting section 64, the Director may impose a condition on a licence prohibiting the appointment of a person under subsection (3) unless the Director has approved the appointment.

(5) A person shall not supervise or manage the conduct of business at licensed premises other than in accordance with this section.

Penalty for this subsection: a fine of $15 000.

[(6) deleted]

(7) A manager of licensed premises, in relation to those premises and the conduct of business at those premises, may deal and be dealt with, and under section 101 may be liable, as though that person were also a licensee of those premises.

(8) A licensee shall ensure that the conduct of business at the licensed premises is supervised and managed in accordance with this section.

Penalty for this subsection: a fine of $15 000.

(9) Nothing in this section diminishes the liability of the actual holder of the licence or permit.

[Section 100 inserted: No. 12 of 1998 s. 71; amended: No. 73 of 2006 s. 69 and 110; No. 56 of 2010 s. 15 and 69; No. 9 of 2018 s. 52; No. 20 of 2025 s. 40 and 67.]

101. Liability of managers and others

(1) Where under this Act —

(a) a requirement is made of a licensee; or

(b) an element of an offence is an act or omission on the part of a licensee,

a manager of the licensed premises, or a person permitted by the licensee to conduct, supervise or manage the business carried on under the licence, is responsible as though that person were also a licensee of those premises and is liable accordingly, and that person may be charged with the offence.

(2) A person who is not a manager of licensed premises but is permitted by a licensee to conduct, supervise or manage the business carried on under the licence, is, for the purposes of any prosecution for an offence under this Act arising out of the conduct of the business, taken to be, and is liable as though that person were, a manager of the premises concerned.

(3) Where the licensee of any premises permits another person —

(a) to hold himself or herself out to the public as the licensee; or

(b) to conduct, supervise or manage the business carried on there under the licence, other than in accordance with section 100,

the licensee commits an offence.

Penalty for this subsection: a fine of $15 000.

[Section 101 amended: No. 12 of 1998 s. 72; No. 84 of 2004 s. 80; No. 73 of 2006 s. 110; No. 56 of 2010 s. 25 and 69; No. 20 of 2025 s. 40 and 67.]

Subdivision 2 — Approval of managers

[Heading inserted: No. 56 of 2010 s. 16.]

102A. Terms used

In this Subdivision —

approved manager means an approved unrestricted manager or an approved restricted manager;

manager's approval means an approval granted under section 102B.

[Section 102A inserted: No. 56 of 2010 s. 16.]

102B. Applications for and granting approvals

(1) The Director may, in writing, approve a natural person as —

(a) an approved unrestricted manager; or

(b) an approved restricted manager.

(2) An application for a manager's approval —

(a) is to be made in accordance with the regulations; and

(b) is to be accompanied by the prescribed fee.

(3) The Director must not grant a manager's approval unless satisfied that the applicant is a fit and proper person to be approved.

(4) In determining an application for a manager's approval the Director may have regard to any matters prescribed by the regulations.

(5) Unless the Director otherwise determines, if a person has applied for a manager's approval the person is taken to be an approved unrestricted manager or an approved restricted manager, as the case requires, until the Director determines the application.

[Section 102B inserted: No. 56 of 2010 s. 16; amended: No. 20 of 2025 s. 67.]

102C. Conditions on manager's approval

The Director may, in accordance with the regulations, impose any conditions on a manager's approval that the Director thinks fit and may vary or remove those conditions.

[Section 102C inserted: No. 56 of 2010 s. 16.]

102D. Duration of manager's approval

(1) A manager's approval —

(a) takes effect on the day on which it is granted or any later day specified in it; and

(b) remains in force for the period prescribed by the regulations, unless before then it is revoked under section 102F.

(2) A manager's approval may be renewed for consecutive periods of the duration prescribed by the regulations.

[Section 102D inserted: No. 56 of 2010 s. 16.]

102E. Renewal of manager's approval

(1) An approved manager may apply to the Director to renew his or her manager's approval.

(2) An application for the renewal of a manager's approval —

(a) is to be made in accordance with the regulations; and

(b) is to be accompanied by the prescribed fee.

[Section 102E inserted: No. 56 of 2010 s. 16.]

102F. Disciplinary action against approved managers

(1) There are grounds for taking action against an approved manager under this section if —

(a) the approved manager has failed to supervise and manage the conduct of business at licensed premises in a proper manner; or

(b) the approved manager is no longer fit and proper to be approved; or

(c) the approved manager has failed to comply with any condition on his or her manager's approval; or

(d) grounds exist under the regulations for taking action under this section.

(2) If the Director is satisfied that there are grounds for taking action against an approved manager under this section the Director may, by notice in writing —

(a) revoke the manager's approval; or

(b) suspend the manager's approval for a specified period; or

(c) impose conditions on the manager's approval.

(3) The Director must not take action against an approved manager under this section unless the approved manager —

(a) has been given details of the grounds on which the Director proposes to take that action; and

(b) has been afforded a reasonable opportunity to make submissions or to be heard on the matter.

(4) The Director may revoke a suspension imposed under subsection (2)(b) before the end of the specified period.

(5) Nothing in subsection (3)(a) requires or authorises the Director to disclose confidential police information.

[Section 102F inserted: No. 56 of 2010 s. 16; amended: No. 20 of 2025 s. 64.]

102G. Approval may be cancelled on request

The Director may cancel a manager's approval at the request of the manager.

[Section 102G inserted: No. 56 of 2010 s. 16.]

Subdivision 3 — General matters

[Heading inserted: No. 56 of 2010 s. 17.]

102. Unapproved management or control of incorporated licensee

(1) A person who, without the approval of the Director —

(a) assumes a position of authority in a body corporate that holds a licence; or

(b) subject to subsection (3), being a shareholder in a proprietary company that holds a licence, increases or decreases that shareholding,

commits an offence.

Penalty for this subsection: a fine of $15 000.

(2) Subsection (1) does not apply to or in relation to an occasional licence.

(3) Subsection (1)(b) does not apply to a person who is a shareholder in a proprietary company that holds a licence if —

(a) at the time the person's shareholding in the proprietary company changes, the occupation by the person of a position of authority in the proprietary company has been approved by the Director under section 33(5); and

(b) the person gives the Director written notice of the change in the person's shareholding within 14 days after the change occurs.

(4) If a person is convicted of an offence under subsection (1) in relation to a body corporate (including a proprietary company)

that holds a licence, the body corporate is taken to have also committed an offence and is liable to the penalty provided for in that subsection.

[Section 102 amended: No. 73 of 2006 s. 70 and 110; No. 56 of 2010 s. 69; No. 20 of 2025 s. 40, 67 and 124(1).]

103. Owners of licensed premises to notify Director of certain matters

(1) A person who, within the meaning of this Act, becomes an owner of licensed premises shall give notice in writing to the Director of the interest acquired within 7 days of acquiring it, and shall in that notice set out full particulars of the full name and the address to which notices under this Act should be sent.

(2) An owner of licensed premises who changes from the address notified to the Director shall, within 7 days of the change, give notice in writing of the change to the Director.

(3) A person who contravenes subsection (1) or (2) commits an offence.

Penalty for this subsection: a fine of $5 000.

(4) Where a notice is required by this Act to be given to the owner of licensed premises, it may be given to the owner and address notified under subsection (1) in relation to those premises.

[Section 103 amended: No. 56 of 2010 s. 69; No. 20 of 2025 s. 15 and 40.]

Division 3A — Responsible practices in selling, supplying and serving liquor

[Heading inserted: No. 73 of 2006 s. 71.]

103AA. Register of responsible practices' training

(1) A licensee is to maintain a register on the licenced premises that records any details prescribed under section 103A(1)(b) (the ***Register***).

(2) A record referred to in subsection (1) must be maintained on the Register —

(a) for a period of 4 years; or

(b) for the duration of the employment or engagement of a person by the licensee described in section 103A(1)(a).

(3) The Register may be kept in any way the licensee considers appropriate, including by electronic means.

(4) The licensee, or an employee of the licensee, must, at the request of an authorised officer, allow an authorised officer to —

(a) inspect the Register; and

(b) to take copies of, or extracts from, any part of it.

[Section 103AA inserted: No. 35 of 2015 s. 15.]

103A. Regulations about training people in responsible practices

(1) The regulations may —

(a) require persons, or persons of a specified class, who are —

(i) employed or engaged in the sale, supply or service of liquor on or from licensed premises; or

(ii) employed or engaged in the performance of other prescribed functions at licensed premises,

to complete successfully within a specified period a course of training or an assessment, approved by the Director, in responsible practices in the sale, supply and service of liquor; and

(b) for the purposes of paragraph (a) prescribe details in respect of that course of training or assessment and the persons employed or engaged as described in paragraph (a) who have successfully completed it; and

(c) provide for transitional arrangements for successfully completing that course of training or assessment that

apply to persons who, immediately before the commencement of the *Liquor and Gaming Legislation Amendment Act 2006* section 71, were employed or engaged as described in paragraph (a).

(2) Without limiting subsection (1), regulations made for the purposes of that subsection —

(a) may operate by reference to persons employed or engaged for the purposes of a specified class of licence; and

(b) may authorise the Director to approve exemptions from those regulations.

(3) Regulations made for the purposes of subsection (1)(a) do not apply to a person who is a licensee, an approved unrestricted manager or an approved restricted manager.

[Section 103A inserted: No. 73 of 2006 s. 71; amended: No. 56 of 2010 s. 25 and 50; No. 35 of 2015 s. 16.]

Division 4 — Profit sharing

104. Sharing profits or proceeds prohibited without approval

(1) Subject to this Act, if a licensee —

(a) enters into partnership with another person in relation to the business carried on under the licence; or

(b) enters into any agreement or arrangement under which another person may participate in the proceeds of the business carried on under the licence; or

(c) remunerates another person by reference to the proceeds or profits obtained from the business carried on under the licence or by reference to the quantity of liquor sold,

the licensee and that other person each commit an offence.

Penalty for this subsection: a fine of $15 000.

(2) Subsection (1) does not apply to or in relation to any agreement or arrangement in respect to —

(a) an occasional licence, where it is authorised under section 59(3); or

(b) an extended trading permit, where it is approved under section 60(8); or

(ba) the provision of entertainment solely for juveniles on licensed premises or a part of licensed premises, where it is approved under section 126B(5); or

(c) the disbursement of profits or proceeds to a person in a position of authority in a body corporate that holds a licence,

or any other agreement or arrangement that is entered into with the approval of the Director or is of a kind prescribed for the purpose of this subsection.

(3) The Director may —

(a) on application by a person interested in, or in the profits or proceeds of, the business conducted under the licence, approve an agreement or arrangement; or

(b) on application by the holder of a producer's licence or wholesaler's licence, approve an agreement or arrangement between that holder and a person who is to act as an unlicensed agent, where the Director is satisfied that the agent is a fit and proper person to so act, under which the agent is to be remunerated by reference to the quantity of liquor sold by the agent.

(3a) An agreement or arrangement approved under subsection (3) is of no effect to the extent that it purports —

(a) to authorise a person other than the licensee to conduct the business carried on under the licence; or

(b) to exclude, modify or restrict any requirement, responsibility or duty imposed on the licensee by or under this Act.

(4) This section does not prevent a licensed club from entering into a contract for the provision of services (not being for the sale or supply of liquor at the club) to, or for the benefit of, the members of the club, but the authorisation to sell liquor under the licence shall not be exercisable otherwise than through the members, officers or employees of the club.

[Section 104 amended: No. 12 of 1998 s. 73; No. 73 of 2006 s. 72, 92(2) and 110; No. 56 of 2010 s. 69; No. 20 of 2025 s. 40, 85 and 124(1).]

Division 5 — Lodgers

105. Persons taken to be lodgers of licensed premises

[(1), (2) deleted]

(3) Where on the licensed premises no bedroom accommodation is available and other guest accommodation is provided there or on adjacent premises by or on behalf of the licensee in a location approved by the Director, a person so accommodated is taken to be a lodger of the licensed premises.

[Section 105 amended: No. 23 of 2000 s. 7; No. 73 of 2006 s. 73 and 108; No. 20 of 2025 s. 67.]

106. Conditions applying to liquor supplied to lodgers

(1) It is a condition, subject to subsection (2), of any class of licence under which the sale of liquor to lodgers and other persons for consumption on the premises is authorised that —

(a) the liquor shall not be supplied to, or consumed by, a juvenile; and

(b) there shall not be more than the number approved by the Director of adult guests of each lodger present at the time the liquor is consumed; and

(c) the liquor shall not be consumed, except either —

(i) personally, by a lodger; or

(ii) by an adult guest of a lodger, in the presence of the lodger and at the expense of the lodger,

and if any requirement of that condition is contravened the licensee, any employee or agent of the licensee who committed or permitted the contravention, and the lodger each commit an offence.

Penalty for this subsection:

(a) for the licensee or a manager, a fine of $15 000;

(b) for an employee or agent, a fine of $6 000;

(c) for a lodger, a fine of $3 000.

(2) Subsection (1)(b) and (c) shall not have effect at a time when the sale of liquor for consumption on the premises to persons other than a lodger is authorised.

(3) On any licence which authorised the sale of liquor only to lodgers for consumption on the premises, the Director may impose a condition that —

(a) allows up to 6 adult guests of each lodger to be present at the time the liquor is consumed; and

(b) the liquor shall not be consumed, except either —

(i) personally by a lodger; or

(ii) by an adult guest of a lodger in the presence of the lodger and at the expense of the lodger.

Penalty for this subsection:

(a) for the licensee or a manager, a fine of $15 000;

(b) for an employee or agent, a fine of $6 000;

(c) for a lodger, a fine of $3 000.

[Section 106 amended: No. 12 of 1998 s. 74; No. 73 of 2006 s. 74 and 110; No. 56 of 2010 s. 51; No. 20 of 2025 s. 28 and 124(1).]

*[**107.** Deleted: No. 20 of 2025 s. 16.]*

Division 6 — The sale and consumption of liquor, etc.

*[**108.** Deleted: No. 20 of 2025 s. 17.]*

109. Sale of liquor: offences

(1) Subject to this Act, a person who, whether personally or by an employee or agent, sells any liquor commits an offence unless that person —

(a) is the holder of a licence or permit —

(i) the operation of which is not suspended; and

(ii) which authorises the sale;

or

(b) is an employee or an agent of a person so authorised, and is lawfully acting in that capacity,

or the sale is taken to have been made under such a licence or permit.

Penalty for this subsection: a fine of $50 000 and imprisonment for 2 years, but the minimum penalty is a fine of $2 000.

(2) Where liquor is sold in contravention of subsection (1) on any premises, every occupier of the premises who knowingly permits the offence may be charged with an offence of the same kind.

(3) A person who —

(a) carries liquor about for the purpose of sale; or

(b) offers or exposes liquor for sale at or upon any place other than a place at or upon which liquor may lawfully be sold; or

(c) carries liquor, for the purpose of sale, to a place other than a place at or upon which liquor may lawfully be sold; or

(d) employs any person, or engages any person as an agent, so to do,

commits an offence.

Penalty for this subsection: a fine of $25 000, but the minimum penalty is a fine of $1 000.

(4A) A licensee, or an employee or agent of a licensee (the ***seller***), commits an offence if —

(a) the seller sells liquor to another person (the ***buyer***) whom the seller reasonably believes, or ought reasonably to believe, intends to sell the liquor in contravention of subsection (1); and

(b) the buyer sells the liquor in contravention of subsection (1).

Penalty for this subsection: a fine of $50 000 and imprisonment for 2 years, but the minimum penalty is a fine of $2 000.

(4) Where liquor is carried, offered or exposed by a person in contravention of subsection (3) and is so carried, offered or exposed on behalf of another person, that other person is also taken to have contravened that subsection.

(5) It is a defence to a prosecution for a contravention of subsection (3) or (4) if it is proved that the liquor was carried, offered or exposed, as the case may be, for the purpose of a sale that may lawfully be made.

(6) In a prosecution for a contravention of subsection (3), the burden of proving that liquor that has been carried about, or carried to any place, was not so carried for the purpose of sale is on the person carrying it, unless —

(a) the container or packaging is labelled in writing, on the outside, with the name and address of the vendor, of the purchaser and of any other person to whom the liquor is to be delivered; or

(b) those particulars and a description of, and the quantity of, the liquor is set out in an invoice or other document in the possession of the carrier and the invoice or other

document is produced to an authorised officer, on demand.

(7) It is no defence to a charge of an offence under subsection (3) that the accused or the employer or principal of the accused is the holder of a licence or permit.

(8) Where a person is proved to have committed an offence against this section, any vehicle in which liquor concerned in that offence was carried may be seized, is liable to forfeiture, and may be dealt with as though it were a container to which section 113 applied.

[Section 109 amended: No. 84 of 2004 s. 80 and 82; No. 73 of 2006 s. 76 and 110; No. 56 of 2010 s. 52; No. 20 of 2025 s. 40 and 67.]

109A. Offence to carry liquor in excess of prescribed quantity in prescribed area of State

(1) In this section —

driver, in relation to a vehicle, means a person who has control over the steering, movement or propulsion of the vehicle;

vehicle, without limiting the definition of that term in section 3(1), includes a trailer, semi-trailer or caravan attached to another vehicle.

(2) A person who, in a prescribed area of the State, carries a kind of liquor in a quantity that exceeds the quantity prescribed for that kind of liquor commits an offence.

Penalty for this subsection: a fine of $40 000.

(3) For the purposes of subsection (2), if liquor is carried in or on a vehicle the driver of the vehicle is taken to be the person who carries the liquor.

(4) It is a defence to a charge of an offence under subsection (2) to prove that the liquor was carried —

(a) for the purpose of a sale that may lawfully be made; or

(b) by a person of a prescribed class; or

(c) in or on a vehicle of a prescribed class; or

(d) in prescribed circumstances.

(5) Regulations made for the purposes of subsection (2) may prescribe different quantities for different areas of the State.

[Section 109A inserted: No. 9 of 2018 s. 53; amended: No. 20 of 2025 s. 40.]

110. Licensed premises and sports arenas: offences

(1) Where the licensee of licensed premises, or a person employed or engaged to perform any function in the business conducted under the licence or at the licensed premises —

(a) sells liquor on or from the premises otherwise than as, and at the place, authorised under this Act; or

(aa) acts in any way that contravenes this Act or any term or condition of the licence or permit; or

(b) takes, or knowingly permits any other person to take, any liquor from the premises for the purpose of its being sold on account of, or for the profit or benefit of, the licensee with intent to evade the terms or conditions of any relevant licence, permit or certificate; or

(c) has on the premises without reasonable excuse any kind of liquor the sale of which the licence or permit does not authorise there,

that person commits an offence.

Penalty for this subsection:

(a) for the licensee or a manager, a fine of $15 000;

(b) for an employee or agent, a fine of $6 000;

(c) for anyone else, a fine of $3 000.

(2) Where the licensee of any premises permits, whether personally or by an employee or agent, liquor sold there to be consumed by persons —

(a) to whom the licensee is not authorised by the licence to sell the liquor for consumption there; or

(b) for whose consumption there the licensee is not authorised by the licence to sell the liquor to any other person; or

(c) during permitted hours, but in circumstances not otherwise authorised,

without reasonable excuse, the licensee, and the employee or agent concerned, commits an offence.

Penalty for this subsection:

(a) for the licensee or a manager, a fine of $15 000;

(b) for an employee or agent, a fine of $6 000.

(3) Where a person takes, or is permitted by the licensee or an employee or agent of the licensee to take, liquor from licensed premises or premises taken to be licensed premises, if the licensee is not authorised by the licence to sell that liquor to that person for consumption off those premises, the person, and the licensee, employee or agent concerned, commits an offence.

Penalty for this subsection:

(a) for the licensee or a manager, a fine of $15 000;

(b) for an employee or agent, a fine of $6 000;

(c) for anyone else, a fine of $3 000.

(4AA) Subsection (3) does not apply if —

(a) a person takes liquor from premises to adjacent premises; and

(b) both premises are licensed, or taken to be licensed, in the name of the licensee.

(4A) A person attending a public event at a sports arena commits an offence if, without the consent of the licensee, the person —

(a) brings into the sports arena; or

(b) attempts to bring into the sports arena; or

(c) has in his or her possession or control; or

(d) consumes,

any liquor that was not purchased in the sports arena while it was open for the purpose of holding or conducting that public event.

Penalty for this subsection: a fine of $3 000.

(4B) In subsection (4A) —

public event means —

(a) any event, including any game or sport, that is held or conducted for public exhibition; or

(b) any —

(i) training session, practice or rehearsal; or

(ii) promotional or advertising event, press conference, preview or similar activity,

that is held or conducted for purposes other than public exhibition but which is open to the public;

sports arena means a sports arena, ground or stadium —

(a) all or part of which is licensed premises; and

(b) that is prescribed for the purposes of this definition.

(4) A person who obtains or attempts to obtain liquor from a licensee or the employee or agent of a licensee otherwise than in a manner or quantity authorised under this Act commits an offence.

(5) A person who is on any premises for the purpose of purchasing or consuming liquor in contravention of subsection (2) or (4) commits an offence.

Penalty for this subsection: a fine of $3 000.

(6) Where a licence authorises —

(a) the sale of liquor for consumption on the licensed premises ancillary to a meal provided by the licensee; or

(b) the consumption of liquor on the licensed premises ancillary to a meal provided by the licensee,

then, despite any other provision of this Act, it is lawful for a person —

(c) to bring liquor onto the licensed premises, with the consent of the licensee, intending to consume it ancillary to a meal provided by the licensee on the licensed premises; and

(d) subsequently to take the unconsumed portion of the liquor from the licensed premises.

(6A) If, under a licence, wine is sold to a person (the ***purchaser***) for consumption on the licensed premises ancillary to a meal provided by the licensee, then, despite any other provision of this Act, it is lawful for the purchaser subsequently to take from the licensed premises any opened container of the wine if its contents have been partially consumed.

(7) A licensee, or the employee or agent of a licensee, who —

(a) is drunk on the licensed premises; or

(b) sells or supplies, or causes or permits to be sold or supplied, or keeps on the licensed premises, any liquor under a false or fictitious trade name, brand or description,

commits an offence.

Penalty for this subsection: a fine of $15 000.

[Section 110 amended: No. 12 of 1998 s. 76; No. 73 of 2006 s. 77 and 110; No. 56 of 2010 s. 53 and 69; No. 35 of 2015 s. 17; No. 9 of 2018 s. 54; No. 20 of 2025 s. 29 and 67.]

111. Trading outside permitted hours: offences

(1) Where a licensee, except during permitted hours —

(a) on or from licensed premises sells or otherwise makes available, whether personally or by an employee or agent, any liquor to any other person, whether consumed or to be consumed on or off the premises; or

(b) whether personally or by an employee or agent, permits liquor to be consumed on the licensed premises,

that licensee, and the employee or agent concerned, commits an offence, unless section 112 applies.

Penalty for this subsection:

(a) for the licensee or a manager, a fine of $15 000;

(b) for an employee or agent, a fine of $6 000.

(2) Subject to this Division, where at a particular time a licensee is not authorised to sell liquor to a particular person if that person then —

(a) purchases or consumes liquor, or is in possession of liquor, on the licensed premises; or

(b) takes liquor from the licensed premises,

that person commits an offence.

Penalty for this subsection: a fine of $3 000.

(2a) To avoid doubt, an act referred to in this section constitutes an offence if done while a licence is suspended.

(3) For the purposes of this Act, evidence that a person was on licensed premises or took liquor from licensed premises at a time when the licensee was not authorised to sell liquor to that person shall, in any proceedings relating to an offence under this Act, be evidence that the person was there for the purpose of purchasing or consuming liquor without proof of actual purchase or consumption and the burden of proving that this section was not contravened shall be upon that person.

[Section 111 amended: No. 12 of 1998 s. 77; No. 73 of 2006 s. 110; No. 56 of 2010 s. 54 and 69; No. 20 of 2025 s. 30.]

112. Exceptions to s. 109, 110 and 111

(1) Sections 109, 110 and 111 do not prohibit or restrict —

(a) where any liquor was sold on licensed premises during the permitted hours —

(i) during the first 30 minutes after the end of those hours, or of any period forming part of those hours, the possession or consumption of that liquor on the premises, or, the taking away of that liquor if it is packaged liquor;

(ii) during the first 30 minutes after the end of those hours, or of any period forming part of those hours, the possession and consumption of the liquor supplied as an ancillary to the meal, by persons taking a meal there;

or

(b) the possession or consumption by any person of liquor on premises where the person resides; or

(c) the consumption, on licensed premises by a guest of a lodger, of liquor supplied in the presence, and at the expense, of the lodger; or

(d) as regards licensed premises —

(i) the taking of liquor from the premises by a person who resides there; or

(ii) the supply of liquor to a person (not being a lodger) who resides, or carries on or is in charge of the business, there, or the possession or consumption of liquor supplied at the expense of that person in a private room reserved for the personal use of that person by any members of the family or private guests of that person; or

(iii) the supply of liquor for consumption there, to persons employed for the purpose of the business carried on under the licence, at the expense of their employer or a person carrying on or in charge of the business there, or the possession or consumption of the liquor so supplied,

but the burden of proving that this paragraph applies lies on the person charged with the offence.

(2) It is a defence to a charge of an offence that liquor was sold or supplied to a person in contravention of section 109, 110 or 111, in circumstances in which the sale or supply would have been authorised had the liquor been consumed ancillary to a meal, that the person selling or supplying the liquor concerned reasonably believed that the person to whom the liquor was sold or supplied was to be supplied by the licensee with, and would eat, a meal.

[Section 112 amended: No. 12 of 1998 s. 78; No. 84 of 2004 s. 80; No. 9 of 2018 s. 55.]

113. Offence under s. 109, 110 or 111, finding as to unlawful dealing in liquor; forfeiture of liquor

(1) A person who is charged with an offence under section 109, 110 or 111 may in the same proceedings be found, for the purposes of this Act, to have unlawfully dealt in liquor.

(2) Where in any proceedings under this Act a person is found to have unlawfully dealt in liquor the court by or before which that person is convicted may declare all, or any specified part, of the liquor found in the possession of the offender, and the containers and packaging, to be forfeited.

[Section 113 amended: No. 6 of 1993 s. 11; No. 49 of 1996 s. 64; No. 59 of 2006 s. 54; No. 77 of 2006 s. 4.]

113A. Information required on licensees' websites

Where —

(a) an internet website is maintained by or on behalf of a licensee for the purpose of advertising, promoting or otherwise facilitating the business carried on under the licence; and

(b) the licence is of a prescribed class,

the licensee is to include on the website any information prescribed in respect of a licence of that class.

Penalty: a fine of $7 000.

[Section 113A inserted: No. 73 of 2006 s. 78; amended: No. 56 of 2010 s. 69; No. 20 of 2025 s. 40.]

114. Closure of licensed premises by police

(1) Where a police officer for the time being on duty at any place has reasonable grounds for believing that at or in the vicinity of that place —

(a) civil disorder, a breach of the peace or a threat to public safety is occurring or is likely to occur; and

(b) in the interests of maintaining the peace or ensuring public safety it is or may be desirable that licensed premises be closed,

that person may require the licensee, or an employee or agent of the licensee, to close the licensed premises or a part of those premises, or to cease the sale, supply or consumption of liquor (including the sale of packaged liquor) on or from the premises or a part of the premises, for a specified period or until further notice, and a person who, without reasonable cause, contravenes a requirement so made commits an offence.

Penalty for this subsection:

(a) for the licensee or a manager, a fine of $15 000;

(b) for an employee or agent, a fine of $6 000.

(2) It is not an offence against subsection (1) for a licensee, or the employee or agent of a licensee, to permit a lodger, or a person having lawful business (other than the purchase or obtaining of liquor) to conduct on the premises, to enter the premises if liquor is not supplied to that lodger or other person.

(3) On the orders of the police officer making a requirement in relation to licensed premises under subsection (1), a person may use such force as may be reasonably necessary to ensure compliance with the requirement.

[Section 114 amended: No. 12 of 1998 s. 79; No. 73 of 2006 s. 79, 109 and 110; No. 56 of 2010 s. 55; No. 25 of 2023 s. 21(1); No. 20 of 2025 s. 31.]

115. Drunk, disruptive and other persons

(1) Where a licensee, whether personally or by an employee or agent —

(a) permits —

(i) drunkenness; or

(ii) violent, quarrelsome, disorderly or indecent behaviour,

to take place on the licensed premises; or

(b) permits any reputed thief, prostitute or supplier of unlawful drugs to remain on the licensed premises; or

(c) permits or suffers to be conducted on the licensed premises any gaming or betting which contravenes section 110(1) of the *Gaming and Wagering Commission Act 1987* or any other activity which contravenes a provision of another written law,

that licensee, and the employee or agent concerned, commits an offence.

Penalty for this subsection:

(a) for the licensee or a manager, a fine of $15 000;

(b) for an employee or agent, a fine of $6 000.

(2) A person shall not, on licensed premises or regulated premises —

(a) sell or supply liquor, or cause or permit liquor to be sold or supplied, to a drunk person; or

(b) allow or permit a drunk person to consume liquor; or

(c) obtain or attempt to obtain liquor for consumption by a drunk person; or

(d) aid a drunk person in obtaining or consuming liquor.

Penalty for this subsection:

(a) for an offence on licensed premises —

(i) for the licensee or a manager, a fine of $15 000;

(ii) for an employee or agent, a fine of $6 000;

(iii) for anyone else, a fine of $3 000;

(b) for an offence on regulated premises —

(i) for the owner of the regulated premises, a fine of $15 000;

(ii) for anyone else, a fine of $3 000.

(3) It is a defence to a charge of an offence against subsection (2)(a) of selling or supplying liquor to a drunk person to show that the person charged was instructed by the licensee, a manager or another person in a position of authority in relation to the person charged to sell or supply the liquor to the drunk person.

(4) If subsection (4a) applies to a person —

(a) an authorised person may refuse the person entry to the licensed premises or a part of the premises; or

(b) an authorised person may require the person to leave the licensed premises or a part of the premises; or

(c) if the requirement under paragraph (b) is not complied with — an authorised person, or any other person on the

request of an authorised person, may remove the person from the licensed premises or a part of the premises using such force as may be reasonably necessary; or

(d) an authorised person may refuse to sell liquor to the person.

(4a) This subsection applies to a person who —

(a) is or appears to be drunk; or

(b) is behaving in an offensive manner; or

(c) is not dressed in conformity with the licensee's requirements for a standard of dress, being requirements —

(i) that were at the relevant time reasonable in the circumstances; and

(ii) notice of which had been conspicuously displayed at each entrance to any part of the premises where the requirements were to be complied with;

or

(d) is a person who the authorised person has reasonable cause to believe —

(i) cannot or will not pay; or

(ii) is or is known to be quarrelsome or disorderly; or

(iii) is seeking to obtain liquor by begging;

or

(e) is or is known to be, or is an associate of, a reputed thief, prostitute, supplier of unlawful drugs, or person convicted of an offence involving unlawful drugs or violence that is punishable by a term of imprisonment exceeding 3 years; or

(f) is or appears to be a person whose presence, or to whom the provision of service, on the licensed premises will

occasion the licensee to commit an offence under this Act; or

(g) seeks to enter or enters or remains on the licensed premises at a time when they are closed or are required under this Act to be closed; or

(h) requests service on a part of the premises —

(i) where the licensee is not authorised to provide the service requested; or

(ii) set aside for the purposes of a private function.

(4B) A person commits an offence if the person does not leave licensed premises or a part of licensed premises after being required under subsection (4)(b) to do so.

Penalty for this subsection: a fine of $6 000.

(5) A person commits an offence if the person —

(a) obtains or attempts to obtain liquor from a licensee or the employee or agent of a licensee by falsely pretending, or representing, that the person is a lodger of the premises or is there for the purpose of taking a meal or has taken a meal there; or

(b) without lawful excuse, the burden of proof of which lies on that person, enters licensed premises at a time when they are closed or are required under this Act to be closed.

[(c) deleted]

Penalty for this subsection: a fine of $3 000.

(6) A person who —

(a) under this section —

(i) has been refused entry to; or

(ii) has been required to leave and has left, or been removed from,

licensed premises; and

(b) remains —

(i) on any footpath; or

(ii) in any area subject to the control or management of the licensee,

that is adjacent to the licensed premises,

commits an offence.

Penalty for this subsection: a fine of $6 000.

(7) A person who re-enters premises within 24 hours of being refused entry to, required to leave, or being removed from, those premises under this section —

(a) commits an offence; and

(b) any other person, on the request of the licensee or a manager of the premises, may remove the person who re-entered the premises from those premises using such force as may be reasonably necessary.

Penalty for this subsection: a fine of $3 000.

(8) A police officer may, and on request by an authorised person shall, prevent entry by, or remove, any person who, under this Act, has been refused entry to, or is liable to be removed from, licensed or regulated premises.

(9) This section does not limit any other right to refuse a person entry to premises or to remove a person from premises.

[Section 115 amended: No. 12 of 1998 s. 80; No. 35 of 2003 s. 173(3); No. 73 of 2006 s. 80, 109 and 110; No. 56 of 2010 s. 25, 56 and 69; No. 9 of 2018 s. 56; No. 25 of 2023 s. 21; No. 20 of 2025 s. 32.]

115AA. Commissioner of Police may bar people from licensed premises

(1) In this section —

specified means specified in a barring notice.

(2) The Commissioner of Police may give a notice (a ***barring notice***) to a person prohibiting the person from entering specified licensed premises, or a specified class of licensed premises, if the Commissioner believes, on reasonable grounds, that the person has, on licensed premises or in the vicinity of licensed premises —

(a) been violent or disorderly; or

(b) engaged in indecent behaviour; or

(c) contravened a provision of any written law.

(3) The barring notice must be in the approved form.

(4) The barring notice has effect from the day the barring notice is given to the person until the earliest of —

(a) a specified day; or

(b) if the barring notice is revoked under subsection (7) — the day that the notice of revocation is given to the person.

[(c) deleted]

(5) The specified day cannot be more than 12 months after the day on which the barring notice is served.

(6) Except as provided in subsection (7A), a person who enters premises contrary to a barring notice commits an offence.

Penalty for this subsection: a fine of $15 000.

(7A) A person does not commit an offence under subsection (6) if the person enters the premises solely for the purpose of performing duties relating to the person's work.

(7B) The reference in subsection (7A) to performing duties relating to the person's work does not include attending a function associated with the person's work that is held on the premises.

(7) The Commissioner of Police may revoke a barring notice by giving a notice of revocation to the person who is the subject of the barring notice.

(8) The notice of revocation must be in the approved form.

[Section 115AA inserted: No. 56 of 2010 s. 30; amended: No. 9 of 2018 s. 57; No. 25 of 2023 s. 8; No. 20 of 2025 s. 40, 86 and 123.]

115AB. Delegation by Commissioner of Police

(1) The Commissioner of Police may delegate the Commissioner's functions under section 115AA to a police officer of or above the rank of Inspector.

(2) The delegation must be in writing signed by the Commissioner of Police.

(3) A person to whom a function is delegated under this section cannot delegate the function.

(4) A person performing a function delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.

(5) Nothing in this section limits the ability of the Commissioner of Police to perform the function through an officer or agent.

[Section 115AB inserted: No. 56 of 2010 s. 30; amended: No. 25 of 2023 s. 21(1); No. 20 of 2025 s. 67.]

115AC. Publication and disclosure of details of people barred under barring notices

(1A) In this section —

personal particulars, in relation to a barring notice given to a person, means —

(a) the name and date of birth of the person; and

(b) a photograph of the person; and

(c) the address of the person; and

(d) the licensed premises, or class of licensed premises, to which the barring notice relates;

secure webpage means a page on a website that is accessible only by —

(a) the licensee or occupier of licensed premises; or

(b) a manager of licensed premises; or

(c) a prescribed person or class of persons or a person in a prescribed circumstance.

(1) If a barring notice is in effect for a person, the Commissioner of Police must publish on a secure webpage all of the personal particulars in relation to the barring notice, to the extent those particulars are in the possession of the Commissioner.

(1AA) If a barring notice is in effect for a person, the Commissioner of Police or the Director may disclose any of the personal particulars in relation to the barring notice to —

(a) a public authority if the Commissioner or the Director (as the case requires) considers that the personal particulars are required by that authority for a purpose relating to the administration or enforcement of this Act or another written law; or

(b) a prescribed person, or a person belonging to a prescribed class of persons, if the Commissioner or the Director (as the case requires) considers that the personal particulars are required by that person for a purpose relating to —

(i) the further provision of the personal particulars to responsible persons in relation to licensed premises to assist those responsible persons to identify persons in relation to whom barring notices are in effect; or

(ii) the creation or provision of 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.

(2) Subsections (1) and (1AA) do not permit the publication or disclosure of anything that identifies, or is capable of identifying —

(a) a juvenile other than the person the subject of the barring notice; or

(b) the details of any offence of which the person the subject of the barring notice was convicted in the Children's Court.

(3) Subject to subsections (4) and (5), a person who discloses information or a photograph that the person has obtained from the secure webpage referred to in subsection (1), or from a disclosure under subsection (1AA), commits an offence.

Penalty for this subsection: a fine of $15 000.

(4) A responsible person in relation to licensed premises does not commit an offence under subsection (3) if —

(a) the responsible person discloses the information or photograph in the performance of duties relating to the person's work on the licensed premises; or

(b) the responsible person discloses the information or photograph to another responsible person in relation to the licensed premises for the purposes of enabling the second responsible person to perform duties relating to that second person's work on the licensed premises.

(5) A person to whom information or a photograph has been disclosed under subsection (1AA)(a) or (b) does not commit an offence under subsection (3) if they disclose the information or

photograph for a purpose referred to in subsection (1AA)(a) or (b) (as the case requires).

[Section 115AC inserted: No. 56 of 2010 s. 30; amended: No. 9 of 2018 s. 58; No. 44 of 2022 s. 11; No. 25 of 2023 s. 9; No. 20 of 2025 s. 40.]

115ACA. Barring notice must be registered in banned drinkers register

The Commissioner of Police must ensure that information about a barring notice given to a person is entered in the banned drinkers register.

[Section 115ACA inserted: No. 25 of 2023 s. 10.]

*[**115AD.** Deleted: No. 20 of 2025 s. 87.]*

115AE. Permitting entry to premises contrary to barring notice

(1) Subject to subsection (2), a responsible person in relation to licensed premises commits an offence if the responsible person —

(a) knows that a barring notice is in effect for a person in respect of the premises; and

(b) permits the person to enter or remain on the premises contrary to the barring notice.

Penalty for this subsection: a fine of $15 000.

(2) A responsible person in relation to licensed premises does not commit an offence under subsection (1) if the responsible person permits the person to enter or remain on the premises solely for the purpose of performing duties relating to the person's work.

(3) The reference in subsection (2) to performing duties relating to the person's work does not include attending a function associated with the person's work that is held on the premises.

[Section 115AE inserted: No. 56 of 2010 s. 30; amended: No. 9 of 2018 s. 59; No. 25 of 2023 s. 12; No. 20 of 2025 s. 40.]

115A. Drinking water to be provided free at certain licensed premises

(1) Subsection (2) applies to licensed premises at which liquor is authorised to be sold under the licence for consumption on the premises.

(2) The licensee of any licensed premises to which this subsection applies must ensure that water suitable for drinking is provided, free of charge, at all times when liquor is sold for consumption on the premises.

Penalty for this subsection:

(a) for the licensee, a fine of $15 000;

(b) for a manager, a fine of $6 000.

[Section 115A inserted: No. 73 of 2006 s. 81; amended: No. 56 of 2010 s. 57; No. 20 of 2025 s. 33.]

116. Requirements to keep, display and produce documents at licensed premises

(1) Unless the Director otherwise approves, a licensee must cause a copy of the following documents to be kept on the licensed premises at all times —

(a) the licence;

(b) any permit that relates to the licence;

(c) the plans of the premises as approved by the Director showing the definition of the premises.

Penalty for this subsection: a fine of $3 000.

(2A) Unless the Director otherwise approves, a licensee of a cellar door permit must cause a copy of the plans described in

subsection (1)(c) to be kept on the premises to which the permit applies at all times.

Penalty for this subsection: a fine of $2 000.

(2) The licensee or a manager of the licensed premises shall, if so required by an authorised officer, produce for inspection a copy of the licence or of any other documents referred to in subsection (1).

Penalty for this subsection: a fine of $3 000.

(3) A person shall not carry on business for which a licence is required under any name other than that of the licensee unless the Director has approved the use of the name.

Penalty for this subsection: a fine of $3 000.

(4) A licensee shall cause to be displayed in a readily legible condition and in a conspicuous position in the licensed premises —

(a) a copy of the licence; and

(b) if section 100(2a) applies in relation to the premises — a notice displaying the name of each person who is supervising and managing the premises and identifying every such person as a manager.

Penalty for this subsection: a fine of $3 000.

(5A) The notice required by subsection (4)(b) may be combined with the notice required by subsection (5).

(5) A licensee, other than the holder of an occasional licence or a licensee of a cellar door permit, must cause a notice in the approved form to be displayed in a readily legible condition and in a conspicuous position at or near the front entrance to the licensed premises, showing —

(a) any name approved under subsection (3);

(b) the class of the licence;

(c) the name of the licensee, followed by the word "Licensee",

unless the Director otherwise approves.

Penalty for this subsection: a fine of $3 000.

(6) The regulations may prescribe any additional matters relating to the display of, or the production of, documents by a licensee of a cellar door permit.

[Section 116 inserted: No. 12 of 1998 s. 81; amended: No. 73 of 2006 s. 82 and 110; No. 56 of 2010 s. 18, 25, 58 and 69; No. 35 of 2015 s. 18; No. 20 of 2025 s. 40, 123 and 124(1).]

116A. Register of incidents at licensed premises to be maintained

(1) A licensee must maintain a register on the licensed premises of the incidents, of the prescribed kind, that take place at the licensed premises.

Penalty for this subsection: a fine of $7 000.

(2) The register must —

(a) be in the approved form; and

(b) contain the prescribed information.

(3A) The record of an incident referred to in subsection (1) must be maintained on the register for a period of 4 years.

[(3B) deleted]

(3) A licensee, or the employee or agent of a licensee, must, at the request of an authorised officer —

(a) make the register available for inspection by the authorised officer; and

(b) allow the authorised officer to take copies of, or extracts from, any part of the register.

Penalty for this subsection: a fine of $7 000.

[Section 116A inserted: No. 73 of 2006 s. 83; amended: No. 56 of 2010 s. 59 and 69; No. 35 of 2015 s. 19; No. 20 of 2025 s. 40, 67 and 88.]

Division 7 — Complaints to Director

[Heading inserted: No. 73 of 2006 s. 84.]

117. Complaints about noise or behaviour related to licensed premises

(1) A complaint in writing may be lodged with the Director alleging —

(a) that the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of any activity occurring at the licensed premises; or

(b) that any —

(i) behaviour of persons on the licensed premises; or

(ii) noise emanating from the licensed premises; or

(iii) disorderly conduct occurring frequently in the vicinity of the licensed premises on the part of persons who have resorted to the licensed premises,

is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity, or to persons in or making their way to or from a place of public worship, hospital or school.

(2) A complaint under subsection (1) may be lodged by —

(a) the Commissioner of Police; or

(b) the local government of the district in which the licensed premises are situated, or of any other district adjacent to the licensed premises and appearing to the Director to have an interest in the amenity, quiet or good order of the neighbourhood of the licensed premises; or

(c) a government agency or statutory authority; or

(d) a person claiming to be adversely affected by the subject matter of that complaint who —

(i) resides, works or worships; or

(ii) attends, or is a parent of a child who attends, a school; or

(iii) attends, or is a patient in, a hospital,

in the vicinity of the licensed premises concerned.

(2a) If a complaint is lodged by a person referred to in subsection (2)(d), the complaint must be signed, unless the Director otherwise approves, by 3 unrelated adults (including the complainant).

(2b) In subsection (2a) —

3 unrelated adults means 3 adults each of whom —

(a) resides at different residential premises; and

(b) is not —

(i) a child; or

(ii) a parent; or

(iii) a brother or sister; or

(iv) an aunt or uncle; or

(v) a spouse or former spouse; or

(vi) a de facto partner or former de facto partner,

of either of the other 2 adults.

(3) The Director must give notice of each complaint lodged to the licensee of the licensed premises with respect to which the complaint is made.

(3a) When a complaint is lodged with the Director under subsection (1), the Director must attempt to settle the matter by conciliation or negotiation.

(3b) If the Director determines at any stage that the complaint is frivolous or vexatious, the Director must dismiss the complaint.

(4) If the matter referred to in a complaint is not settled by conciliation or negotiation, the Director must give the complainant, the licensee and any other person appearing to the Director to have a relevant interest in the matter a reasonable opportunity to be heard or to make submissions.

(4a) Having complied with subsection (4), the Director —

(a) subject to subsection (4c), may determine the matter; and

(b) if of the opinion that the allegation in the complaint is established on the balance of probabilities and that the licensee has failed to show cause why an order should not be made under this section — may make an order under this section,

but otherwise the Director must dismiss the complaint.

(4b) Without limiting the matters that the Director may have regard to when making a determination under subsection (4a), the Director may have regard to —

(a) any alteration, including any structural change, made —

(i) to the licensed premises; or

(ii) if the complainant is a person referred to in subsection (2)(d) — to any relevant premises where the complainant (or, if subsection (2)(d)(ii) applies, the complainant's

child) resides, works, worships, attends or is a patient;

and

(b) any changes that have taken place over time to the activities that take place on the licensed premises; and

(c) the kind of business conducted under the licence and how that business is managed; and

(d) if the complainant is a person referred to in subsection (2)(d) — whether the complainant (or, if subsection (2)(d)(ii) applies, the complainant's child) began to reside, work, worship, attend or be a patient at any relevant premises before or after the licensee began to conduct business at the licensed premises; and

(e) any provision of the *Environmental Protection Act 1986*, or of any regulations made under that Act, that is relevant to the subject matter of the complaint.

(4c) The Director —

(a) may postpone making a determination under subsection (4a) for any period the Director considers appropriate; and

(b) may make an interim order that has effect for that period for any purpose for which an order may be made under subsection (5).

(5) For the purposes of this section, whether pursuant to conciliation or negotiation or by way of an order, the Director may —

(a) vary the existing conditions of the licence; or

(b) redefine, or redesignate a part of, the licensed premises; or

(c) prohibit the licensee from providing entertainment or any other activity of a kind specified by the Director during a period specified by the Director or otherwise than in circumstances specified by the Director, and impose that prohibition as a condition to which the licence is to be subject; or

(d) otherwise deal with the matter in such a manner as is likely, in the opinion of the Director, to resolve the subject matter of the complaint.

[(6) deleted]

(7) A licensee who contravenes an order made under this section commits an offence.

Penalty for this subsection: a fine of $15 000.

[Section 117 amended: No. 14 of 1996 s. 4; No. 12 of 1998 s. 82; No. 73 of 2006 s. 85, 106 and 110; No. 56 of 2010 s. 69; No. 20 of 2025 s. 40, 67 and 89.]

Division 8 — Liquor on unlicensed premises

118. Persons purporting to be licensee

(1) Where a person, otherwise than as an employee or agent of another person authorised by a licence or permit so to do, sells or permits the sale of any liquor on premises where that person carries on business as though that person were the licensee, being premises —

(a) which are licensed premises; or

(b) of which that person purports to be the licensee; or

(c) in respect to which that person alleges a licence was transferred; or

(d) to which a purported authorisation conferred by section 86 applies,

that person is liable for any contravention of this Act occurring in the course of the conduct of the business carried on as though that person were a licensee of the premises.

(2) If a person is, under subsection (1), taken to be liable as though the person were a licensee of any premises, any function conferred or imposed by this Act may be performed in relation to —

(a) that person as though the person were a licensee of those premises; or

(b) those premises, as though the premises were licensed premises.

(3) A person who, not being the holder of a licence, keeps up any notice, advertisement, sign or mark, on or near any premises, implying or giving reasonable cause to believe that the premises are licensed for the sale or supply of liquor or that liquor is sold or supplied there, commits an offence.

Penalty for this subsection: a fine of $3 000.

(4) It is not a defence to a prosecution for an offence relating to the sale of liquor for a person to allege that a licence purporting to authorise the sale was transferred to that person unless the Director has notified that person that approval of the transfer of the licence to that person has been granted.

[Section 118 amended: No. 73 of 2006 s. 110; No. 56 of 2010 s. 69; No. 20 of 2025 s. 40, 67 and 124(1).]

119. Unlicensed premises: offences

(1) A person who consumes liquor in any place or on any premises, including any park or reserve, without the consent of the occupier, or of the person or authority having control, of that place or those premises commits an offence.

Penalty for this subsection: a fine of $3 000.

(2) Subject to subsection (3), a person who —

(a) brings liquor into; or

(b) has in his or her possession or control any liquor in; or

(c) consumes liquor in,

any sports ground or stadium, whether or not enclosed or fenced, during a period commencing one hour before and ending one half-hour after the holding or conduct of any event, including any sport or game, for public exhibition, commits an offence.

Penalty for this subsection: a fine of $3 000.

(3) Subsection (2) does not apply to or in relation to —

(a) an event in which the participants take part for their own recreation and not by way of public exhibition; or

(b) liquor the possession and sale of which is authorised by a licence or permit under this Act; or

(c) persons attending a private function, not open to the public, at which liquor is supplied without charge; or

(d) any area within the ground or stadium to which the public is not permitted to have access, in so far as the consumption of liquor there is with the consent of the person or authority having control of that area.

(4) Except where exempted in regulations under section 6(1)(o) or where the supply of that liquor was authorised by a licence or permit under this Act and the place where the liquor is consumed is for the time being a place to which that licence or permit applies, a person who consumes liquor —

(a) on a road as defined in the *Road Traffic (Administration) Act 2008* section 4; or

(b) within 400 m of any public hall during the conduct of any entertainment in that hall to which the public is permitted to have access; or

(c) in any place or on any premises to which the public is permitted to have access, whether on payment of a

charge or otherwise, which is a place or premises prescribed for the purposes of this subsection,

commits an offence.

Penalty for this subsection: a fine of $3 000.

(5) Where a person —

(a) is the occupier of, a manager of, or a person who has the control of, any place or premises to which subsection (2) or (4)(c) applies; or

(ba) is in charge of a vehicle on a road referred to in subsection (4)(a); or

(b) is employed by, or the agent of, a person referred to in paragraph (a) or (ba),

and permits or suffers any other person to contravene that subsection, the person commits an offence.

Penalty for this subsection: a fine of $3 000.

(6) It is not a defence to a charge of an offence against this section that the liquor was in, or was consumed in or upon, a vehicle.

(7) Where a person is the occupier or has or takes part in the care, management, or control of any unlicensed premises (other than a place or premises to which subsection (2) or (3) applies) and allows those premises to be kept or used as a place of resort for the consumption of liquor, the person commits an offence.

Penalty for this subsection: a fine of $3 000.

(8) Subsection (7) does not apply to the consumption of liquor —

(a) by a person on any premises on which that person resides, whether that person is the occupier of the premises or not; or

(b) which is supplied to a person by way of gift, or as a guest of, a person who resides on the premises on which the liquor is consumed.

(9) For the purposes of subsection (7), a person who acts as, or as if the person were, an occupier or a person having any part in the care, management, or control of any premises is taken to be an occupier of the premises, but without affecting the liability of any other person.

(10) For the purposes of subsection (7), premises may be kept or used as a place of resort for the consumption of liquor even if they are open only for the use of particular persons or particular classes of persons, and not to all persons who wish to use them.

(11) A person who, not being a police officer in the execution of his or her duty, is found on any unlicensed premises kept or used in contravention of subsection (7) commits an offence and may be arrested.

Penalty for this subsection: a fine of $3 000.

(12) It is a defence to a charge under subsection (11) if the accused person proves that the person —

(a) was present on the premises for a lawful purpose; and

(b) neither took part nor intended to take part in any unlawful sale, supply, or consumption of liquor.

[Section 119 amended: No. 84 of 2004 s. 80 and 82; No. 73 of 2006 s. 86 and 110; No. 56 of 2010 s. 25, 60 and 69; No. 8 of 2012 s. 119; No. 25 of 2023 s. 21; No. 20 of 2025 s. 40 and 67.]

Division 8A — Conduct of unapproved businesses on or from licensed premises

[Heading inserted: No. 73 of 2006 s. 87.]

119A. Approval required to conduct non-liquor business on or from licensed premises

(1) In this section —

non-liquor business on licensed premises means a business, other than a business conducted under a licence or a prescribed business, conducted on or from licensed premises.

(2) The Director may, on an application by a person under subsection (3), give approval to the person to conduct a non-liquor business on licensed premises.

(3) The application for the approval must —

(a) be made in the approved form; and

(b) be accompanied by the prescribed fee; and

(c) be supported by any further or other documentation or information that the Director may require.

(4) A person who conducts a non-liquor business on licensed premises without the approval commits an offence.

Penalty for this subsection:

(a) for the licensee, a fine of $15 000;

(b) for anyone else, a fine of $6 000.

(5) A licensee who causes or permits another person to conduct a non-liquor business on licensed premises without the approval commits an offence.

Penalty for this subsection: a fine of $15 000.

[Section 119A inserted: No. 56 of 2010 s. 61; amended: No. 20 of 2025 s. 34, 123 and 124(1).]

Division 9 — Juveniles

120. When juveniles permitted on licensed premises

(1) This Division does not prohibit juveniles from being permitted entry to, or remaining on, a place where the sale or supply of liquor is authorised if —

(a) the place is on premises to which a club licence applies and the presence of the juvenile in question —

(i) does not contravene the rules of the club; and

(ii) is permitted, expressly or by implication, by the committee of the club; and

(iii) does not contravene a condition of the licence;

or

(b) the juvenile is —

(i) a member of the family of the licensee or occupier or a manager of the premises or of a person employed on the premises, and resides there; or

(ii) a member of the family of a lodger of the premises;

or

(c) the place is —

(i) for the time being used under an occasional licence for the purposes of a reception; or

(ii) on premises to which a special facility licence applies authorising their use as a reception centre; or

(iii) on premises to which a restaurant licence applies, or is a part of any premises set apart primarily for the supply of meals (being a place not used for the sale or supply of liquor otherwise than ancillary to a meal supplied there),

if the juvenile is accompanied by, and under the supervision of, a responsible adult or, where subparagraph (iii) applies, the juvenile is present for the purpose of obtaining a meal; or

(d) the place is on premises to which a special facility licence applies authorising the sale of liquor to passengers of private or public transport or persons accompanying or awaiting travellers; or

(e) the place is on a part of licensed premises or of regulated premises which, on application by an authorised person, the Director has for the time being approved for the

purposes of this subsection, where no condition to which that approval is subject is contravened; or

(f) the juvenile is present only for the purpose of carrying on a lawful business, and does not consume liquor, even if that place has for the time being been declared to be out of bounds to juveniles,

and the provisions of this Division shall be construed accordingly.

(2) This Division does not prohibit a juvenile from being in a place where the sale or supply of liquor is authorised if the juvenile is there solely for the purpose of passing to or from some part of the premises where —

(a) liquor is not authorised to be sold or supplied; or

(b) the juvenile is not prohibited from being present,

and to and from which there is no other convenient means of passage.

[Section 120 amended: No. 56 of 2010 s. 25; No. 9 of 2018 s. 60.]

121. Juveniles on licensed premises: offences

(1) Subject to this Act, where liquor is sold or supplied to a juvenile on licensed premises —

(a) the licensee; and

(b) any manager who is supervising and managing the licensed premises at the time the liquor is sold or supplied; and

(c) any other person by whom the liquor is sold or supplied; and

(d) any person who permits the sale or supply,

each commit an offence.

Penalty for this subsection:

(a) for the licensee or a manager, a fine of $15 000;

(b) for the sale or supply by any other person, a fine of $6 000;

(c) for anyone else, a fine of $3 000.

(2) A licensee, and any other person by whom liquor is sold or supplied there, who permits a juvenile to consume liquor on the licensed premises, whether or not that liquor was sold or supplied there, commits an offence.

Penalty for this subsection:

(a) for the licensee or a manager, a fine of $15 000;

(b) for anyone else, a fine of $6 000.

(3) Where a person, acting at the request of a juvenile on licensed premises, purchases or obtains liquor on behalf of the juvenile on licensed premises, that person and the juvenile each commit an offence.

Penalty for this subsection: a fine of $2 000.

(4) Subject to subsection (5), where a juvenile enters or remains on any part of the licensed premises —

(a) the licensee; and

(b) any employee or agent of the licensee who permits the juvenile to enter or remain on that part of the premises; and

(c) the juvenile,

each commit an offence.

Penalty for this subsection:

(a) for the licensee or a manager, a fine of $15 000;

(b) for an employee or agent, a fine of $6 000;

(c) for a juvenile, a fine of $3 000.

(5) Subsection (4) does not apply —

(a) to a juvenile who is —

(i) accompanied by, and under the supervision of, a responsible adult; or

(ii) on the premises for the purpose of obtaining a meal;

or

(b) to the presence on a part of the licensed premises of a juvenile at a time at which —

(i) entertainment is, with the approval of the Director under section 126B, provided on that part of the premises solely for juveniles; and

(ii) liquor is not sold, supplied or consumed there;

or

(c) to a juvenile engaged in a training course approved by the Director, when so present in accordance with the requirements of that course; or

(d) to the presence of a juvenile employed on the premises otherwise than in the sale or supply of liquor, even if the place where the juvenile is present is a place which has for the time being been declared to be out of bounds to juveniles; or

(e) if section 120 applies.

(6) A licensee —

(a) with the approval of the Director, may; and

(b) if so required by the Director, whether or not under a condition of the licence, shall,

by notices in the approved form posted at each entrance to the out of bounds area, declare the whole or any part of the licensed premises to be out of bounds to juveniles at all times or at specified times.

(7) Where a juvenile enters licensed premises or a part of licensed premises declared under subsection (6) to be at that time out of bounds to juveniles, an authorised person may require the

juvenile to leave the licensed premises and, if the juvenile fails to do so —

(a) the juvenile commits an offence; and

(b) an authorised person, or any other person on the request of an authorised person, may remove the juvenile from the licensed premises using such force as may be reasonably necessary.

Penalty for this subsection: a fine of $3 000.

(7a) A person who —

(a) has been required to leave and has left, or been removed from, licensed premises under this section; and

(b) remains —

(i) on any footpath; or

(ii) in any area subject to the control or management of the licensee,

that is adjacent to the licensed premises,

commits an offence.

Penalty for this subsection: a fine of $3 000.

(8) Subsections (6) and (7) do not apply to or in relation to a juvenile to whom section 120(1)(b) or (f), 120(2) or 121(5)(c) or (d) applies or a juvenile who is present at a place to which section 120(1)(e) applies.

(9) Where a person or juvenile is lawfully on licensed premises by reason of being in the company and under the supervision of a responsible adult, if that adult leaves the juvenile on the licensed premises deprived of his or her company and supervision without first informing the licensee or an employee or agent of the licensee the adult commits an offence.

Penalty for this subsection: a fine of $3 000.

(10) A person who employs or engages a juvenile in the sale, supply or serving of liquor on or from —

(a) licensed premises; or

(b) premises to which an occasional licence or permit applies, even if they are not taken to be licensed premises,

commits an offence.

Penalty for this subsection: a fine of $15 000.

(11) Subsection (10) does not apply in relation to the employment or engagement of a juvenile to serve liquor ancillary to a meal if —

(a) the juvenile is of or above the age of 16 years; and

(b) the juvenile's employment or engagement is approved by the Director; and

(c) the work carried out by the juvenile is supervised at all times; and

(d) either —

(i) the work carried out by the juvenile will be assessed for the purposes of a prescribed training course being undertaken by the juvenile; or

(ii) the juvenile has successfully completed a prescribed training course the assessment for which included an assessment of the juvenile's work while employed or engaged to serve liquor ancillary to a meal.

(12) This section does not limit any other right to refuse a person entry to premises or to remove a person from premises.

[Section 121 amended: No. 12 of 1998 s. 83; No. 73 of 2006 s. 88, 109, 110 and 111(9); No. 56 of 2010 s. 19, 62 and 69; No. 20 of 2025 s. 35, 67 and 123.]

122A. Supplying juveniles with alcohol on unlicensed premises

(1) A person is drunk for the purposes of this section if section 3A(1)(b) and (c) apply to the person.

(2) A person must not supply liquor to a juvenile unless that person is on unlicensed premises and the person —

(a) is the parent or guardian of the juvenile; or

(b) subject to subsection (3), has obtained the consent of the parent or guardian of the juvenile to supply liquor to the juvenile on those premises.

Penalty for this subsection: a fine of $10 000.

(3) Where under subsection (2)(b) a person has obtained the consent of the parent or guardian of a juvenile to supply liquor to a juvenile on unlicensed premises, the person must not supply the liquor —

(a) if, at the time that the parent or guardian of the juvenile gives consent, the parent or guardian is drunk; or

(b) if the person is drunk; or

(c) if the juvenile is drunk; or

(d) if the person is unable to supervise the consumption of the liquor by the juvenile; or

(e) in circumstances prescribed by the regulations.

Penalty for this subsection: a fine of $10 000.

[Section 122A inserted: No. 35 of 2015 s. 20; amended: No. 20 of 2025 s. 67.]

122. Juveniles on regulated premises: offences

(1) For the purpose of this Act premises which are not licensed premises but which are of any of the kinds following are taken to be regulated premises —

(a) any area which —

(i) is adjacent to, and is habitually used in conjunction with, licensed premises; and

(ii) is managed, or is reasonably capable of being supervised by, the licensee;

and

(b) any place to which a permit applies, or other premises on which liquor may lawfully be supplied; and

(c) any premises in a building or covered enclosure which are from time to time let or hired to the public or to which the public is admitted, whether or not on payment, where —

(i) amusements are provided; or

(ii) entertainment or refreshment is available at a charge; or

(iii) the premises are otherwise used for the purpose of financial gain;

and

(d) any premises where foods, light refreshments or non-intoxicating drinks are ordinarily sold or served to the public, for consumption on the premises; and

(e) any premises occupied by a club in respect of which a licence is not in force; and

(f) any premises prescribed for the purposes of this section; and

(g) for the purpose only of the prohibition of the sale or supply to, or the prohibition of the purchase or obtaining by, a juvenile of liquor but not otherwise — any road open to or used by the public, including any footpath or reservation adjoining the road, and vehicle on or adjacent to the road.

(2) Subject to this Act, a person who —

(a) sells or supplies, or permits the sale or supply of, liquor to; or

(b) permits the consumption or possession of liquor by,

a juvenile on regulated premises commits an offence.

Penalty for this subsection: a fine of $15 000.

(3) Subject to this Act, where the juvenile is not the employee or agent of the licensee or occupier and is not, and is not the employee or agent of, a person acting under or employed in connection with a contract with the licensee or the owner or occupier of the premises, a person who —

(a) being a juvenile enters or remains in any part of regulated premises where liquor is sold or supplied, except for the purpose of obtaining a meal; or

(b) being a person who has purported to accompany the juvenile as a responsible adult for the purpose of obtaining a meal, causes or permits the juvenile to enter or remain in any part of regulated premises where liquor is sold or supplied, except for the purpose of permitting the juvenile to obtain a meal,

commits an offence.

Penalty for this subsection:

(a) for a juvenile, a fine of $3 000;

(b) for anyone else, a fine of $6 000.

(4) Subsection (3) does not apply to or in relation to a juvenile to whom section 120(1)(b) or (f), 120(2), or 121(5)(c) or (d) applies.

[Section 122 amended: No. 12 of 1998 s. 35(5); No. 73 of 2006 s. 89 and 110; No. 56 of 2010 s. 63 and 69; No. 20 of 2025 s. 36 and 67.]

123. Possession or consumption of liquor by juveniles: offences

(1) Subject to this Act, where a juvenile —

(a) purchases or obtains, or attempts to purchase or obtain, liquor from any other person on licensed or regulated premises; or

(b) brings liquor on to licensed or regulated premises; or

(c) consumes liquor on licensed or regulated premises,

the juvenile commits an offence.

Penalty for this subsection: a fine of $3 000.

(2) Without limiting section 119, a juvenile who has any liquor in his or her possession or control in any place or on any premises to which the public is permitted to have access, whether on payment of a charge or otherwise, commits an offence.

Penalty for this subsection: a fine of $3 000.

[Section 123 amended: No. 73 of 2006 s. 90 and 110; No. 56 of 2010 s. 69; No. 20 of 2025 s. 40.]

124. Sending juvenile to obtain liquor: offence

Where a person sends another person, knowing or believing that other person to be a juvenile, to any licensed premises or regulated premises for the purpose of obtaining liquor, the person commits an offence.

Penalty: a fine of $3 000.

[Section 124 amended: No. 73 of 2006 s. 110; No. 56 of 2010 s. 69; No. 20 of 2025 s. 40.]

125. Defences to offences under this Division

(1) It is a defence to a charge of an offence against this Division relating to the sale or supply of liquor to a juvenile to show —

(a) that the juvenile to whom liquor was sold or supplied is —

(i) a member of the family of the licensee or occupier or a manager of, or of a person employed on, the regulated premises and resides there, and that the supply was gratuitous; or

(ii) the spouse or de facto partner of a lodger of the premises;

or

(b) if the accused is the person by whom the liquor was sold or supplied to, or from whom the liquor was purchased or obtained for, the juvenile, that —

(i) the person believed on reasonable grounds that the alleged juvenile was not a juvenile; and

(ii) that the juvenile was of or above the age of 16 years;

or

(c) where the offence is alleged to have occurred on regulated premises, if the accused is the licensee or occupier or a manager of the regulated premises and did not personally sell or supply the liquor, that —

(i) the business was not conducted in such a way as to entice juveniles to the part of the premises where the liquor was sold, supplied or consumed; and

(ii) that proper diligence was exercised to prevent the sale, supply or consumption of liquor in contravention of this Division.

(2) For the purposes of any proceedings under this Division —

(a) a person who alleges that a juvenile was accompanied by a responsible adult shall be required to establish that the person accompanying the juvenile was a responsible adult; and

(b) a person shall be taken to be a responsible adult if that person was an adult who is a parent, step-parent, spouse, de facto partner or legal guardian of the juvenile, or other person in loco parentis to the juvenile.

(3) In this section —

member of the family, in relation to a person, includes a de facto partner of the person.

[Section 125 amended: No. 12 of 1998 s. 84; No. 28 of 2003 s. 106; No. 84 of 2004 s. 80 and 82; No. 56 of 2010 s. 25.]

126. Suspected juveniles: evidence of age and removal from premises

(1) Where an authorised person knows, or suspects on reasonable grounds, that a person on licensed premises or regulated premises is a juvenile, the authorised person —

(a) may require the juvenile or suspected juvenile to state his or her age; and

(b) if the age stated is false, or appears to be false —

(i) may require the juvenile or suspected juvenile to produce as evidence of that age —

(I) a current Australian driver's licence with a photograph; or

(II) a current passport; or

(III) a photo card, as defined in the *Western Australian Photo Card Act 2014* section 3, that is current; or

(IV) another form of evidence prescribed by the regulations;

and

(ii) if the juvenile does not do so, or the evidence produced does not prove that the person is not a juvenile, may require the juvenile or suspected juvenile to leave the premises.

(2) A person who —

(a) fails, without reasonable excuse, to comply with a requirement under subsection (1); or

(b) makes a statement, or produces alleged evidence, that is false or misleading in any material respect in response to the requirement,

commits an offence.

Penalty for this subsection: a fine of $3 000.

(2a) If an authorised person suspects on reasonable grounds that a document produced by a juvenile under subsection (1)(b)(i) (other than subsection (1)(b)(i)(II)) is a forged, false or counterfeit document, the authorised person may confiscate the document.

(2b) An authorised person who confiscates a document under subsection (2a) must deal with the document in accordance with the regulations.

(2C) A person is taken to produce evidence of the person's age under subsection (1)(b)(i) if —

(a) the evidence was originally issued in digital form (or in both digital and a physical form); and

(b) the person displays on a mobile phone or other electronic device —

(i) the evidence in its original digital form (and not merely a digital reproduction of evidence

originally issued in a physical form, such as a digital photograph of a physical card); or

(ii) a QR code, or other prescribed method, by which the authorised person may access the evidence in its original digital form.

(2D) Subsection (2a) does not apply to evidence produced as described in subsection (2C).

(2E) This section does not require a person who produces evidence as described in subsection (2C) to hand over the mobile phone or other electronic device to the authorised person.

(3) An authorised person, or any other person on the request of an authorised person, may —

(a) remove from licensed premises or regulated premises any juvenile, or suspected juvenile, who has failed to comply with a requirement to leave the premises made under subsection (1); and

(b) use such force as may be reasonably necessary to ensure compliance with the requirement.

(4) A person who re-enters licensed premises or regulated premises within 24 hours of being required to leave, or being removed from, those premises under this section —

(a) commits an offence; and

(b) an authorised person, or any other person on the request of an authorised person, may remove the person who re-entered the premises from those premises using such force as may be reasonably necessary.

Penalty for this subsection: a fine of $3 000.

(5) A person who —

(a) has been required to leave and has left, or been removed from, licensed premises or regulated premises under this section; and

(b) remains —

(i) on any footpath; or

(ii) in any area subject to the control or management of the licensee or occupier of the regulated premises,

that is adjacent to the licensed premises or regulated premises,

commits an offence.

Penalty for this subsection: a fine of $3 000.

(6) This section does not limit any other right to remove a person from premises.

[Section 126 amended: No. 12 of 1998 s. 85; No. 73 of 2006 s. 91, 109 and 110; No. 56 of 2010 s. 69; No. 35 of 2015 s. 21; No. 20 of 2025 s. 18 and 40.]

126A. Entertainment for juveniles on licensed premises, application for approval of

(1) The licensee of any licensed premises may apply to the Director, in the approved form, for approval of the provision of entertainment solely for juveniles on the licensed premises or a part of the licensed premises.

(2) The application is to be accompanied by the prescribed fee and is to be supported by any further or other documentation or information that the Director may require.

(3) The application is to be lodged with the Director not later than 14 days before the day on which the entertainment that is the subject of the application is proposed to be provided.

(4) Part 3 Division 7 and 7A do not apply to an application under this section.

[Section 126A inserted: No. 73 of 2006 s. 92(1); amended: No. 20 of 2025 s. 90 and 123.]

126B. Entertainment for juveniles on licensed premises, approval of

(1) The Director, by notice in writing given to a licensee who has made an application under section 126A, may approve the provision of entertainment solely for juveniles on the licensed premises, or a part of the licensed premises, if the Director is satisfied that, in the circumstances of the particular case, it is appropriate to do so.

(2) The Director may, by notice in writing given to the licensee at any time before the entertainment is provided, withdraw the approval if the Director is no longer satisfied in accordance with subsection (1).

(3) The Director may make the approval subject to such terms and conditions as the Director thinks fit and specifies in the notice under subsection (1).

(4) Without limiting subsection (3), each approval under subsection (1) is subject to the condition that the licensee is not to participate in any arrangement for the benefit arising from the provision of the entertainment to accrue to any other person unless —

(a) details of the arrangement were set out in the relevant application under section 126A or otherwise provided under that section; and

(b) the Director has granted approval under subsection (5).

(5) The Director may, by notice in writing given to the licensee, approve an arrangement referred to in subsection (4).

[Section 126B inserted: No. 73 of 2006 s. 92(1).]

Division 10 — Miscellaneous

[Heading inserted: No. 73 of 2006 s. 93.]

126C. Crowd controllers to be authorised when removing persons from licensed premises

(1) A person (the ***crowd controller***) 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 licensed premises to supply the services of crowd controllers at those premises,

is not an authorised person for the purposes of removing a person from licensed premises under section 115(4)(c), 121(7)(b) or 126(3), or requesting another person to do so, unless the crowd controller is authorised under subsection (2).

(2) The licensee or occupier or a manager of licensed premises may authorise a crowd controller to exercise the powers referred to in subsection (1) in respect of those premises by written notice given to the crowd controller or the crowd control agent.

(3) The licensee or occupier or a manager may withdraw the authority referred to in subsection (2) at any time by written notice given to the crowd controller or the crowd control agent.

[Section 126C inserted: No. 73 of 2006 s. 93; amended: No. 56 of 2010 s. 25.]

126D. Undesirable liquor products: declaration and offence

(1) The Governor, on the recommendation of the Minister, may make regulations under section 175 that declare liquor in the form of a specified product, or a product of a specified class, to be an undesirable liquor product.

(2) Where a licensee, whether personally or by an employee or agent, sells or supplies any product declared to be an

undesirable liquor product on or from the licensed premises, the licensee, and the employee or agent concerned, commits an offence.

Penalty for this subsection:

(a) for the licensee or a manager, a fine of $15 000;

(b) for an employee or agent, a fine of $6 000.

(3) The Minister may recommend the making of regulations for the purposes of subsection (1) only if —

(a) the Minister considers that —

(i) designs, motifs or characters on the packaging of the product concerned are of such a kind that the product is, or is likely to be, attractive to juveniles; or

(ii) the product is likely, for any reason, to be confused with soft drinks or confectionery; or

(iii) the product, for any other reason, has or is likely to have a special appeal to juveniles; or

(iv) it is otherwise in the public interest to do so;

and

(b) the Minister has complied with subsection (4).

(4) Before recommending the making of regulations for the purposes of subsection (1), the Minister is to consult with relevant liquor industry representatives and the manufacturer of any product proposed to be declared to be an undesirable liquor product (if the manufacturer is known to the Minister).

(5) A failure to comply with subsection (3) does not affect the validity of the regulation concerned.

[Section 126D inserted: No. 73 of 2006 s. 93; amended: No. 56 of 2010 s. 64; No. 20 of 2025 s. 37.]

126E. Special events, operation of Act may be modified for

(1) In this section —

special event notice means a notice under subsection (2);

specified means specified in a special event notice.

(2) The Minister may, by notice published in the *Gazette*, declare that, for the purposes of this Act, a specified event to be held in the State is a special event.

(3) Subject to subsection (4), a special event notice may declare that, for the purposes of the special event, specified provisions of this Act have a specified modified operation —

(a) during a specified period; and

(b) in relation to a specified area of the State or the whole of the State.

(4) A special event notice may make a declaration under subsection (3) only in relation to prescribed provisions of this Act.

(5) For the purposes of the special event, provisions of this Act that are the subject of a declaration under subsection (3) have effect in accordance with any specified modified operation.

(6) The Minister may, by notice published in the *Gazette*, vary or revoke a special event notice.

[Section 126E inserted: No. 73 of 2006 s. 93.]

Part 5 — Financial provisions

Division 1 — Licence fees

127. Payment of licence fees

(1) Subject to this Act, for so long as a licence is in force (including any period when its operation is suspended) the licence fee prescribed in respect of the licence is payable not later than such day as is prescribed in each year in respect of each licence period.

(2) A new licence shall not come into force until the licence fee prescribed in respect of the licence has been paid, unless otherwise prescribed.

(3) A licence fee payable under this Part, or a penalty for failure to pay a fee when it becomes due, may be recovered as a debt due to the Crown.

[Section 127 amended: No. 56 of 1997 s. 34; No. 73 of 2006 s. 94.]

128. Regulations about licence fees

(1) Regulations may be made for and with respect to the time, place and method of the payment of licence fees, penalties for late payment, the reduction, waiver or refund of licence fees or such penalties, and the suspension or cancellation of licences or permits after a failure to pay any moneys payable.

(2) Without limiting subsection (1) or section 127, regulations may prescribe licence fees by reference to —

(a) all or any of the following —

(i) the class of licence;

(ii) any restrictions or conditions imposed in relation to the licence;

(iii) the type of premises;

(iv) the location of the premises;

(v) the capacity of the premises;

(vi) the trading hours;

(vii) the convictions for offences under this Act, if any, of the applicant for the licence;

(viii) the disciplinary action under Part 3 Division 13, if any, taken against the applicant for the licence;

(ix) any other criteria prescribed in the regulations;

or

(b) the extension of the operation of a licence by a permit; or

(c) the purposes for which a permit is to be issued, or the period during which a permit is to have effect.

[Section 128 inserted: No. 56 of 1997 s. 35; amended: No. 73 of 2006 s. 95; No. 56 of 2010 s. 31.]

[Division 2: s. 129-136 deleted: No. 20 of 2025 s. 52; s. 137, 138 deleted: No. 56 of 1997 s. 36.]

Division 3 — Tribunal orders for payment of money

[Heading inserted: No. 20 of 2025 s. 91.]

*[**139-142.** Deleted: No. 56 of 1997 s. 38.]*

143. Order for payment of money

(1) The Tribunal may, on the application of the Director, make an order against a licensee or former licensee for payment of any amount that is payable by that person under this Act.

(2) Where an order is made under subsection (1) against a body corporate and —

(a) the body corporate is dissolved; or

(b) the amount referred to in the order is not paid within 14 days after service of a copy of the order on the body corporate,

the order may be enforced against —

(c) a person who was a director of the body corporate or former body corporate at the time at which —

(i) the amount became payable under this Act; or

(ii) incorrect or incomplete information was given;

(d) a body corporate that was a related body corporate at the time at which —

(i) the amount became payable under this Act; or

(ii) incorrect or incomplete information was given,

or a person who was a director of such a related body corporate at that time.

[(3), (4) deleted]

[Section 143 amended: No. 56 of 1997 s. 39; No. 59 of 2004 s. 141; No. 73 of 2006 s. 106; No. 20 of 2025 s. 53, 92, and 122.]

*[**144.** Deleted: No. 56 of 1997 s. 40.]*

Division 4 — Records and returns

145. Requirement to keep records of liquor transactions

(1) Such licensees as are prescribed shall make and maintain a record of all transactions entered into by or on behalf of the licensee involving the sale or purchase or other disposal or acquisition of liquor, in accordance with this section.

[(1a) deleted]

(2) A record to be kept under subsection (1) shall contain the information prescribed and shall be maintained in such a form

that the prescribed information is readily available for inspection.

(3) A person who is required by this section to make a record shall —

(a) keep and retain the record on the licensed premises, or in some other place in the State approved by the Director for the purpose, for 6 years after the date on which it was compiled; and

(b) make the record available for inspection by an authorised officer.

(4) A person who —

(a) fails to make, maintain, keep or retain a record, as required by this section; or

(b) fails to make the record available for inspection by an authorised officer; or

(c) includes in such a record information that is false or misleading in a material particular,

commits an offence.

Penalty for this subsection: a fine of $15 000.

[Section 145 amended: No. 56 of 1997 s. 41; No. 12 of 1998 s. 86; No. 73 of 2006 s. 110; No. 56 of 2010 s. 69; No. 20 of 2025 s. 40 and 54.]

146. Information to be given to Director in returns

(1) A person required to make a record under section 145 shall, if so required by the Director or so prescribed, lodge returns with the Director containing such information as the Director may require, or as is prescribed, relating to transactions involving —

(a) the sale or other disposal of liquor; or

(b) the purchase or acquisition of liquor,

in respect of such period, or in relation to such circumstances, as the Director may require or as is prescribed.

Penalty for this subsection: a fine of $15 000.

(2) Returns required under this section shall —

(a) be lodged at such times, or periodic intervals, as are prescribed or as may be specified by the Director; and

(b) be in the approved form; and

(c) be verified in such manner and by such a person as may be prescribed.

[(3)-(6) deleted]

(7) The Director may, in writing —

(a) allow an extension of the time within which a return should be lodged; or

(b) direct that a requirement of this section shall not have effect in relation to a particular licence.

[Section 146 amended: No. 56 of 1997 s. 42; No. 73 of 2006 s. 110; No. 56 of 2010 s. 69; No. 20 of 2025 s. 40, 55 and 123.]

Division 5 — Recovery of illegal gains

[Heading amended: No. 56 of 1997 s. 43.]

147. Declaration and determination of financial advantage from contravention

(1) The Tribunal may, on application by the Director, make an order —

(a) declaring that a person has contravened —

(i) this Act; or

(ii) a condition of a licence or permit;

and

(b) declaring that the person has gained a financial advantage by the contravention; and

(c) determining the amount of the advantage.

(2) The amount of financial advantage determined by the Tribunal —

(a) is not limited to net profits only; and

(b) may be calculated by reference to revenue or gross turnover without any reduction for costs (such as stock or overheads) incurred, whether lawfully or unlawfully, in connection with gaining the advantage; and

(c) may be recovered from the person by the Director as a debt due to the Crown.

(3) This section applies whether or not the contravention referred to in subsection (1) is prosecuted as an offence.

[Section 147 inserted: No. 20 of 2025 s. 93.]

Division 6 — Information

148. Director's power to obtain information

(1) For the purpose of ascertaining whether any fee is chargeable or for the purpose of determining the amount of any money due under this Act, the Director may by notice in writing require any person —

(a) to provide to the Director, within such reasonable period as is specified in that notice, such information specified in that notice as that person may be able to give; and

(b) to attend and give evidence before the Director on a date specified in that notice in any case in which it may be necessary to ascertain any facts, and to produce the records specified in that notice.

(2) The Director by notice in writing may require the information or evidence referred to in subsection (1) to be given —

(a) on oath or affirmation and either orally or in writing; or

(b) by statutory declaration.

[Section 148 amended: No. 56 of 1997 s. 45; No. 20 of 2025 s. 56 and 124(1).]

149. Use of information, Director's powers as to

The Director may use for the purposes of this Act any information concerning the affairs of any other person acquired under or for the purposes of this Act.

150. Director's right of access to premises and records

(1) For the purposes of this Act, the Director —

(a) shall at all reasonable times have full and free access to all buildings and places and to all records;

(b) may take copies of or extracts from any records.

[(c) deleted]

[(2) deleted]

[Section 150 amended: No. 56 of 1997 s. 46; No. 12 of 1998 s. 97(1); No. 73 of 2006 s. 110; No. 56 of 2010 s. 69; No. 20 of 2025 s. 57.]

151. Director may assist other authorities

The Director may disclose information gained in the course of the administration of this Act to —

(a) authorities vested with the administration of liquor licensing laws in other States and Territories of the Commonwealth; and

(b) any other authorities that may require the information for the purpose of discharging duties of a public nature,

respecting the affairs of any persons or the administration of this Act.

[Section 151 amended: No. 20 of 2025 s. 124(1).]

152. Confidentiality of information

(1) Any person who is or has been employed in the administration of this Act, must not while that person is, or after that person ceases to be, so employed —

(a) either directly or indirectly, except in the performance of a function in relation to this Act or in accordance with section 151, make a record of, or divulge or communicate to any other person any information disclosed or obtained by reason of this Act respecting the affairs of any other person; or

(b) produce in any court or to any other person, or permit any other person to have access to, a document that is, in the course of being so employed, in the custody of that person,

except for the purpose of any proceedings for an offence under this Act, or where it is otherwise necessary to do so for the purpose of carrying into effect the provisions of this Act.

(2) A person who contravenes subsection (1) commits an offence.

Penalty for this subsection: a fine of $7 000.

[Section 152 amended: No. 73 of 2006 s. 110; No. 56 of 2010 s. 69; No. 20 of 2025 s. 40 and 67.]

Part 5A — Prohibition orders

[Heading inserted: No. 73 of 2006 s. 97.]

152A. Terms used

In this Part —

employed includes engaged under a contract for services;

prohibition order means an order made under section 152E;

relevant person means the person who, as the case requires, is the subject of —

(a) an application under section 152B; or

(b) a prohibition order;

serious and organised crime has the same meaning as it has in the *Australian Crime Commission (Western Australia) Act 2004*.

[Section 152A inserted: No. 73 of 2006 s. 97.]

152B. Commissioner of Police may apply for prohibition orders

(1) The Commissioner of Police may apply in writing to the Director in the approved form for an order to be made in respect of a person that —

(a) prohibits the relevant person from being employed by a licensee at specified licensed premises, licensed premises of a specified class or any licensed premises; or

(b) prohibits the relevant person from entering specified licensed premises, licensed premises of a specified class or any licensed premises.

(2) The Commissioner of Police must serve a copy of the application on the relevant person.

(3) Nothing in subsection (2) requires or authorises the Commissioner of Police to disclose confidential police information.

[Section 152B inserted: No. 73 of 2006 s. 97; amended: No. 9 of 2018 s. 61; No. 44 of 2022 s. 12; No. 20 of 2025 s. 123.]

152C. Evidence in support of s. 152B application

(1) An application under section 152B is to —

(a) set out the reasons why the Commissioner of Police considers a prohibition order should be made in respect of the relevant person; and

(b) set out any other information and be accompanied by any document that the Commissioner of Police considers relevant to the application.

(2) Without limiting subsection (1), the Commissioner of Police is authorised to include in or with the application —

(a) details of any criminal convictions of the relevant person for offences under the law of the Commonwealth or a State or Territory; and

(b) any information that the Commissioner of Police has regarding any involvement, or suspected involvement, of the relevant person in serious and organised crime.

[Section 152C inserted: No. 73 of 2006 s. 97.]

152D. Notice of s. 152B application etc. to be given to relevant person

(1) The Director is to give the relevant person a written notice that —

(a) states that the application has been made and explains the proposed effect of the order applied for; and

(b) describes the information and documents provided in support of the application; and

(c) states that the relevant person will be given a reasonable opportunity to make submissions or to be heard in relation to the application.

(2) Nothing in subsection (1) requires or authorises the Director to disclose confidential police information.

[Section 152D inserted: No. 73 of 2006 s. 97; amended: No. 25 of 2023 s. 21(2).]

152E. Director may make prohibition orders

(1) The Director may dispose of the application —

(a) by making a prohibition order; or

(b) by refusing the application; or

(c) at the request of the Commissioner of Police — by discontinuing the application.

(2) The Director may make a prohibition order that —

(a) prohibits the relevant person from being employed by a licensee at specified licensed premises, licensed premises of a specified class or any licensed premises; or

(b) prohibits the relevant person from entering specified licensed premises, licensed premises of a specified class or any licensed premises.

(3) The Director may make a prohibition order only if satisfied that it is in the public interest to do so after —

(a) having given the relevant person a reasonable opportunity to make submissions or to be heard in relation to the application; and

(b) having regard to —

(i) any information or document provided by the Commissioner of Police in or with the application; and

(ii) any information or document provided by the relevant person under paragraph (a).

(4) A prohibition order has effect subject to such terms or conditions as the Director thinks fit and specifies in the order.

[Section 152E inserted: No. 73 of 2006 s. 97; amended: No. 20 of 2025 s. 67.]

152F. Term of prohibition orders

(1) The Director is to specify in a prohibition order the term for which the prohibition order remains in force.

(2) The term cannot be more than 5 years or, for a prohibition order in respect of a juvenile, more than 2 years, after it is made, but an application may be made for a further prohibition order.

[Section 152F inserted: No. 73 of 2006 s. 97.]

152G. Applications to vary or revoke prohibition orders

(1) The Commissioner of Police or the relevant person may apply to the Director for an order varying or revoking a prohibition order.

(1A) The application must be —

(a) in writing in the approved form; and

(b) made during the period that the prohibition order is in effect.

(2) If the application is made —

(a) by the Commissioner of Police, the relevant person is the respondent; or

(b) by the relevant person, the Commissioner of Police is the respondent.

[Section 152G inserted: No. 73 of 2006 s. 97; amended: No. 44 of 2022 s. 13; No. 20 of 2025 s. 123.]

152H. Evidence in support of s. 152G application

The application is to —

(a) set out the reasons why the applicant considers a prohibition order should be varied or revoked; and

(b) set out any other information and be accompanied by any document that the applicant considers relevant to the application.

[Section 152H inserted: No. 73 of 2006 s. 97.]

152I. Notice of s. 152G application etc. to be given to respondent

(1) The Director is to give the respondent a written notice that —

(a) states that the application has been made and explains the proposed effect of the order applied for; and

(b) describes the information and documents provided in support of the application; and

(c) states that the respondent will be given a reasonable opportunity to make submissions or to be heard in relation to the application.

(2) Nothing in subsection (1) requires or authorises the Director to disclose confidential police information.

[Section 152I inserted: No. 73 of 2006 s. 97; amended: No. 25 of 2023 s. 21(2).]

152J. Director may vary or revoke prohibition orders

(1) The Director may dispose of the application —

(a) by making an order that varies or revokes a prohibition order (whether or not the variation or revocation was applied for); or

(b) by refusing the application; or

(c) at the request of the applicant — by discontinuing the application.

(2) The Director may make an order varying or revoking a prohibition order only if satisfied that it is in the public interest to do so —

(a) having given the respondent a reasonable opportunity to make submissions or to be heard in relation to the application; and

(b) having regard to —

(i) any information or document provided by the applicant in or with the application; and

(ii) any information or document provided by the respondent under paragraph (a).

[Section 152J inserted: No. 73 of 2006 s. 97; amended: No. 44 of 2022 s. 14; No. 20 of 2025 s. 67.]

152K. Service, publication and disclosure of prohibition orders

(1A) In this section —

personal particulars, in relation to a prohibition order, means —

(a) the name and date of birth of the relevant person; and

(b) a photograph of the relevant person; and

(c) the address of the relevant person; and

(d) the licensed premises, or class of licensed premises, to which the order relates;

secure webpage means a page on a website that is accessible only by —

(a) the licensee or occupier of licensed premises; or

(b) a manager of licensed premises; or

(c) a prescribed person, a person belonging to a prescribed class of persons or a person in a prescribed circumstance.

(1) If the Director makes a prohibition order, the Director is to give a copy of the order —

(a) to the relevant person; and

(b) if the order is made under section 152E(2)(a) and the Director is aware that the relevant person is employed by a licensee at licensed premises to which the order applies — to the licensee.

(2A) If a prohibition order is in effect, the Director may —

(a) publish on a secure webpage any of the personal particulars in relation to the order; and

(b) if the relevant person in relation to the order is not a juvenile — publish, in any manner the Director considers appropriate, any of the following in relation to the order —

(i) the name of the relevant person;

(ii) a photograph of the relevant person;

(iii) the town or suburb where the relevant person lives;

(iv) the licensed premises, or class of licensed premises, to which the order relates.

(2AA) If a prohibition order is in effect, the Director may disclose any of the personal particulars in relation to the order to —

(a) a public authority if the Director considers that the personal particulars are required by that authority for a purpose relating to the administration or enforcement of this Act or another written law; or

(b) a prescribed person, or a person belonging to a prescribed class of persons, if the Director considers that the personal particulars are required by that person for a purpose relating to —

(i) the further provision of the personal particulars to responsible persons in relation to licensed

premises to assist those responsible persons to identify persons subject to prohibition orders; or

(ii) the creation or provision of equipment, software, databases or any other thing to be used by responsible persons in identifying persons subject to prohibition orders.

(2B) Subsections (2A) and (2AA) do not permit the publication or disclosure of anything that identifies, or is capable of identifying —

(a) a juvenile other than the relevant person; or

(b) the details of any offence of which the relevant person was convicted in the Children's Court.

(2C) A person may republish in any manner something that has been published under subsection (2A)(b).

(2D) Subject to subsections (2E), (2F) and (2G), a person who discloses information or a photograph that the person has obtained from the secure webpage referred to in subsection (2A)(a), or from a disclosure under subsection (2AA), commits an offence.

Penalty for this subsection: a fine of $10 000.

(2E) Subsection (2D) does not apply to information or a photograph that has also been published under subsection (2A)(b).

(2F) A responsible person in relation to licensed premises does not commit an offence under subsection (2D) if —

(a) the responsible person discloses the information or photograph in the performance of duties relating to the person's work on the licensed premises; or

(b) the responsible person discloses the information or photograph to another responsible person in relation to the licensed premises for the purposes of enabling the second responsible person to perform duties relating to that second person's work on the licensed premises.

(2G) A person to whom information or a photograph has been disclosed under subsection (2AA)(a) or (b) does not commit an offence under subsection (2D) if they disclose the information or photograph for a purpose referred to in subsection (2AA)(a) or (b) (as the case requires).

(2) If the Director makes an order varying or revoking a prohibition order, the Director is to give a copy of the order to the applicant and the respondent.

[Section 152K inserted: No. 73 of 2006 s. 97; amended: No. 56 of 2010 s. 32; No. 44 of 2022 s. 15.]

152KA. Prohibition order must be registered in banned drinkers register

The Director must ensure that information about a prohibition order is entered in the banned drinkers register.

[Section 152KA inserted: No. 25 of 2023 s. 13.]

152L. Failing to comply with prohibition orders

(1) A person given a copy of a prohibition order under section 152K(1)(a) who fails, without reasonable excuse, to comply with the order commits an offence.

Penalty for this subsection: a fine of $15 000.

(2) A person given a copy of a prohibition order under section 152K(1)(b) who continues, without reasonable excuse, to employ the relevant person, commits an offence.

Penalty for this subsection: a fine of $15 000.

[Section 152L inserted: No. 73 of 2006 s. 97; amended: No. 56 of 2010 s. 69; No. 20 of 2025 s. 40.]

152M. Permitting entry to premises contrary to prohibition order

A responsible person in relation to licensed premises commits an offence if the responsible person —

(a) knows that a prohibition order has been made against a person in respect of the premises; and

(b) permits the person to enter or remain on the premises contrary to the order.

Penalty: a fine of $15 000.

[Section 152M inserted: No. 56 of 2010 s. 33; amended: No. 20 of 2025 s. 40.]

152NA. Relationship with *Criminal Organisations Control Act 2012*

A prohibition order is of no effect to the extent that it conflicts with or duplicates a condition of an interim control order or a control order under the *Criminal Organisations Control Act 2012* that applies to the relevant person.

[Section 152NA inserted: No. 49 of 2012 s. 178.]

Part 5AA — Protected entertainment precincts

[Heading inserted: No. 44 of 2022 s. 16.]

Division 1 — Preliminary

[Heading inserted: No. 44 of 2022 s. 16.]

152NB. Object of Part

(1) The primary object of this Part is to minimise, in relation to areas with a concentration of licensed premises —

(a) harm, or the potential for harm, to people, or any group of people, in the areas; and

(b) adverse effects on the safety or welfare of people, or any group of people, in the areas; and

(c) adverse effects on the atmosphere, ambience, character or pleasantness of the areas; and

(d) public disturbances and public disorder in the areas.

(2) The references in subsection (1) to harm, the potential for harm, adverse effects, public disturbances and public disorder include references to harm, the potential for harm, adverse effects, public disturbances and public disorder whether or not arising from, or relating to, the use of liquor or any violence associated with the use of liquor.

(3) In performing functions under this Part, a person must have regard to the primary object of this Part.

[Section 152NB inserted: No. 44 of 2022 s. 16; amended: No. 20 of 2025 s. 67.]

152NC. Terms used

In this Part —

excluded offender has the meaning given in section 152NZJ(2);

exclusion order means —

(a) a short-term exclusion order; or

(b) an extended exclusion order;

exclusion period, for an excluded offender, has the meaning given in section 152NZJ(4);

extended exclusion order means an order made under section 152NM(1)(a), as varied from time to time, that prohibits a person from entering or remaining in all protected entertainment precincts;

extended exclusion order respondent, in relation to an application under section 152NO(1) for the variation or revocation of an extended exclusion order, means —

(a) if the application is made by the Commissioner of Police — the subject person; or

(b) if the application is made by the subject person — the Commissioner of Police;

public place includes —

(a) licensed premises; and

(b) a place (including a vehicle) to which the public, or any section of the public, has or is permitted to have access, whether on payment or otherwise; and

(c) a privately owned place (including a vehicle) to which the public has access with the express or implied approval of, or without interference from, the owner, occupier or person who has the control or management of the place; and

(d) a school, university or other place of education, other than a part of it to which neither students nor the public usually have access; and

(e) a vehicle (including a privately owned vehicle) that is in a place referred to in paragraph (a), (b), (c) or (d);

short-term exclusion order means an order made under section 152ND(1), as varied from time to time, that prohibits a

person from entering or remaining in all protected entertainment precincts;

subject person means —

(a) in relation to an application under section 152NJ(1) — the person who is the subject of the application; or

(b) in relation to an exclusion order — the person who is the subject of the order.

[Section 152NC inserted: No. 44 of 2022 s. 16.]

Division 2 — Short-term exclusion orders

[Heading inserted: No. 44 of 2022 s. 16.]

152ND. Police officer may make short-term exclusion order

(1) A police officer may make an order prohibiting a person from entering or remaining in all protected entertainment precincts.

(2) The police officer must not make the order unless the officer is satisfied, on reasonable grounds, that making the order is necessary because —

(a) the person has behaved in an unlawful, anti-social, violent, disorderly, offensive, indecent or threatening way (whether or not the behaviour arose from, or was related to, the use of liquor); and

(b) the location where the behaviour occurred —

(i) was, at the time the behaviour occurred, a public place; and

(ii) was, at the time the behaviour occurred, in a protected entertainment precinct; and

(iii) is, at the time the order is to be made, in a protected entertainment precinct;

and

(c) there is a risk that, unless the order is made, the person will behave in a way that —

(i) causes violence or public disorder in a protected entertainment precinct; or

(ii) has an adverse effect on the safety or welfare of persons in a protected entertainment precinct.

(3) Before making the order, the police officer must obtain the approval of a police officer who is, or is acting as, an Inspector or an officer of a rank more senior than Inspector, unless the officer making the order is, or is acting as, such an officer.

(4) In making the order, the police officer may specify in the order any terms or conditions that the officer thinks fit (including, without limitation, terms or conditions that provide exceptions to the prohibition in the order).

(5) A short-term exclusion order has effect subject to any terms or conditions specified in the order.

(6) The approval referred to in subsection (3) may be sought and given orally (including, for example, in person or by telephone), but if given orally must be confirmed in writing as soon as practicable after it is given.

(7) Failure to confirm the approval in writing does not invalidate the approval or anything done under the approval.

[Section 152ND inserted: No. 44 of 2022 s. 16; amended: No. 25 of 2023 s. 21.]

152NE. Provisions in relation to short-term exclusion orders

(1) A short-term exclusion order must specify the term for which the order has effect.

(2) The specified term referred to in subsection (1) cannot be more than 6 months beginning at the time the order comes into effect.

(3) The making of a short-term exclusion order in respect of a person does not prevent the making of 1 or more subsequent short-term exclusion orders in respect of the person (whether on the basis of the same particular occurrence of behaviour or different particular occurrences of behaviour).

(4) However, if 2 or more short-term exclusion orders are made in respect of a person on the basis of the same particular occurrence of behaviour, the total duration of those short-term exclusion orders must not exceed 6 months.

(5) A short-term exclusion order must not be made in respect of a person on the basis of a particular occurrence of behaviour if that occurrence of behaviour has been the basis for an extended exclusion order made in respect of the person.

(6) A short-term exclusion order must not be made in respect of a person if an extended exclusion order is in effect in respect of the person.

[Section 152NE inserted: No. 44 of 2022 s. 16.]

152NF. Variation or revocation of short-term exclusion order

(1) The subject person may apply to the Commissioner of Police for the variation or revocation of a short-term exclusion order.

(2) The application must be —

(a) in writing in a form approved by the Commissioner of Police; and

(b) made during the period that the short-term exclusion order is in effect.

(3) The Commissioner of Police must dispose of the application in accordance with subsection (4) within 30 days after the day on which the Commissioner receives the application.

(4) The Commissioner of Police may dispose of the application —

(a) by varying or revoking the short-term exclusion order (whether or not the variation or revocation was applied for); or

(b) by refusing the application; or

(c) at the request of the subject person — by discontinuing the application.

(5) The Commissioner of Police may vary or revoke a short-term exclusion order on the Commissioner's own initiative.

(6) If the Commissioner of Police varies a short-term exclusion order —

(a) the Commissioner must ensure that a written notice setting out the variation of the order is served on the subject person in accordance with section 152NZQ(2); and

(b) the variation takes effect from the time the notice is served on the subject person in accordance with section 152NZQ(2).

(7) If the Commissioner of Police revokes a short-term exclusion order —

(a) the order immediately ceases to have effect; and

(b) as soon as practicable after the order is revoked, the Commissioner must ensure that a written notice stating that the order has been revoked and the time of the revocation is served on the subject person in accordance with section 152NZQ(2).

(8) If the Commissioner of Police refuses or discontinues an application under subsection (4)(b) or (c), the Commissioner must ensure that written notice of the refusal or discontinuation is served on the subject person in accordance with section 152NZQ(2).

[Section 152NF inserted: No. 44 of 2022 s. 16; amended: No. 20 of 2025 s. 67 and 94.]

152NG. Automatic revocation of short-term exclusion order if extended exclusion order comes into effect

(1) Subsection (2) applies if —

(a) an extended exclusion order comes into effect in respect of a person; and

(b) the person is subject to a short-term exclusion order.

(2) The short-term exclusion order is revoked and ceases to have effect when the extended exclusion order comes into effect.

[Section 152NG inserted: No. 44 of 2022 s. 16.]

*[**152NH.** Deleted: No. 20 of 2025 s. 95.]*

152NI. Commissioner of Police to issue guidelines

(1) In this section —

relevant power means a power under section 152ND or 152NF.

(2) The Commissioner of Police must issue guidelines in relation to the exercise of the relevant powers.

(3) Without limiting subsection (2), guidelines must be issued under that subsection in relation to the following —

(a) the types of behaviour that are unlawful, anti-social, violent, disorderly, offensive, indecent or threatening for the purposes of section 152ND(2)(a);

(b) the circumstances and manner in which the relevant powers should be exercised, including, if the Commissioner of Police is aware that any group in the community is particularly affected by the exercise of the relevant powers, in relation to that group;

(c) record-keeping and reporting requirements in relation to the exercise of the relevant powers.

(4) The Commissioner of Police may amend or revoke guidelines issued under subsection (2).

(5) A person exercising a relevant power must take into account guidelines issued under subsection (2).

(6) Guidelines issued under subsection (2) are not subsidiary legislation for the purposes of the *Interpretation Act 1984*.

(7) Section 3(6) does not apply to a reference to the Commissioner of Police in this section.

[Section 152NI inserted: No. 44 of 2022 s. 16.]

Division 3 — Extended exclusion orders

[Heading inserted: No. 44 of 2022 s. 16.]

152NJ. Commissioner of Police may apply for extended exclusion order

(1) The Commissioner of Police may apply to the Director for an order to be made under section 152NM(1)(a) prohibiting a person from entering or remaining in all protected entertainment precincts.

(2) The application must be in writing in the approved form.

(3) The Commissioner of Police must ensure that a copy of the application is served on the subject person in accordance with section 152NZQ(2).

(4) Nothing in subsection (3) requires or authorises the Commissioner of Police to disclose confidential police information.

[Section 152NJ inserted: No. 44 of 2022 s. 16; amended: No. 20 of 2025 s. 123.]

152NK. Evidence in support of application for extended exclusion order

(1) An application under section 152NJ(1) must —

(a) set out the reasons why the Commissioner of Police considers the order should be made in respect of the subject person; and

(b) set out any prescribed information and be accompanied by any prescribed document; and

(c) set out any other information, and be accompanied by any other document, that the Commissioner considers relevant to the application.

(2) Without limiting subsection (1), the Commissioner of Police is authorised to include in or with the application —

(a) details of any criminal convictions of the subject person for offences under the law of the Commonwealth or a State or Territory; and

(b) any information that the Commissioner has regarding any involvement, or suspected involvement, of the subject person in serious and organised crime (as defined in the *Australian Crime Commission (Western Australia) Act 2004* section 3(1)).

[Section 152NK inserted: No. 44 of 2022 s. 16.]

152NL. Notice of application for extended exclusion order must be served on subject person

(1) The Director must ensure that a written notice is served on the subject person in accordance with section 152NZQ(2) that —

(a) states that an application under section 152NJ(1) has been made in respect of the subject person and explains the proposed effect of the order applied for; and

(b) describes the information and documents provided in support of the application; and

(c) informs the subject person that they will be given a reasonable opportunity to make submissions or to be heard in relation to the application.

(2) Nothing in subsection (1) requires or authorises the Director to disclose confidential police information.

[Section 152NL inserted: No. 44 of 2022 s. 16.]

152NM. Director may make extended exclusion order

(1) The Director may dispose of an application under section 152NJ(1) —

(a) by making an order prohibiting the subject person from entering or remaining in all protected entertainment precincts; or

(b) by refusing the application; or

(c) at the request of the Commissioner of Police — by discontinuing the application.

(2) The Director must not make an order under subsection (1)(a) unless —

(a) the Director has given the subject person a reasonable opportunity to make submissions or to be heard in relation to the application; and

(b) the Director has had regard to —

(i) any information or document provided by the Commissioner of Police in or with the application; and

(ii) any information or document provided by the subject person under paragraph (a);

and

(c) either subsection (3) or (4) applies.

(3) This subsection applies if the Director is satisfied, on reasonable grounds, that making the order is necessary because —

(a) the subject person has behaved in an unlawful, anti-social, violent, disorderly, offensive, indecent or threatening way (whether or not the behaviour arose from, or was related to, the use of liquor); and

(b) the location where the behaviour occurred —

(i) was, at the time the behaviour occurred, a public place; and

(ii) is, at the time the order is to be made, in a protected entertainment precinct (whether or not the location was in a protected entertainment precinct at the time the behaviour occurred);

and

(c) there is a risk that, unless the order is made, the subject person will behave in a way that —

(i) causes violence or public disorder in a protected entertainment precinct; or

(ii) has an adverse effect on the safety or welfare of persons in a protected entertainment precinct.

(4) This subsection applies if —

(a) the subject person is subject to a prohibition order under Part 5A; and

(b) the Director is satisfied that —

(i) a reason that the prohibition order was made was that the subject person engaged in particular behaviour (whether or not the behaviour arose from, or was related to, the use of liquor); and

(ii) the location where the behaviour occurred was, at the time the behaviour occurred, a public place; and

(iii) the location where the behaviour occurred is, at the time the order under subsection (1)(a) is to be made, in a protected entertainment precinct (whether or not the location was in a protected

entertainment precinct at the time the behaviour occurred); and

(iv) it is in the public interest to make the order under subsection (1)(a).

(5) In making an order under subsection (1)(a), the Director may specify in the order any terms or conditions that the Director thinks fit (including, without limitation, terms or conditions that provide exceptions to the prohibition in the order).

(6) An extended exclusion order has effect subject to any terms or conditions specified in the order.

(7) If the Director refuses or discontinues an application under subsection (1)(b) or (c), the Director must ensure that written notice of the refusal or discontinuation is —

(a) served on the subject person in accordance with section 152NZQ(2); and

(b) given to the Commissioner of Police.

[Section 152NM inserted: No. 44 of 2022 s. 16; amended: No. 20 of 2025 s. 67.]

152NN. Provisions in relation to extended exclusion orders

(1) An extended exclusion order must specify the term for which the order has effect.

(2) The specified term referred to in subsection (1) cannot be more than —

(a) in the case of an order in respect of a person who is a juvenile at the time the order is made — 2 years beginning at the time the order comes into effect; or

(b) in any other case — 5 years beginning at the time the order comes into effect.

(3) The making of an extended exclusion order in respect of a person on the basis of a particular occurrence of behaviour does

not prevent the making of 1 or more subsequent extended exclusion orders in respect of the person on the basis of different occurrences of behaviour.

(4) However, an extended exclusion order must not be made in respect of a person on the basis of a particular occurrence of behaviour if that occurrence of behaviour has been the basis for a previous extended exclusion order made in respect of the person.

(5) The making of a short-term exclusion order in respect of a person on the basis of a particular occurrence of behaviour does not prevent the making of an extended exclusion order in respect of the person on the basis of the same particular occurrence of behaviour.

[Section 152NN inserted: No. 44 of 2022 s. 16.]

152NO. Application for variation or revocation of extended exclusion order

(1) The Commissioner of Police or the subject person may apply to the Director for the variation or revocation of an extended exclusion order.

(2) The application must be —

(a) in writing in the approved form; and

(b) made during the period that the extended exclusion order is in effect.

[Section 152NO inserted: No. 44 of 2022 s. 16; amended: No. 20 of 2025 s. 123.]

152NP. Evidence in support of application for variation or revocation

An application under section 152NO(1) must —

(a) if the application is for a variation of the extended exclusion order — set out the variation applied for; and

(b) set out the reasons why the applicant considers the extended exclusion order should be varied or revoked; and

(c) set out any other information, and be accompanied by any document, that the applicant considers relevant to the application.

[Section 152NP inserted: No. 44 of 2022 s. 16.]

152NQ. Notice of application for variation or revocation must be given to extended exclusion order respondent

(1) The Director must ensure that the extended exclusion order respondent is given a written notice that —

(a) states that an application under section 152NO(1) has been made and explains the proposed effect of the variation or revocation applied for; and

(b) describes the information and documents provided in support of the application; and

(c) informs the extended exclusion order respondent that they will be given a reasonable opportunity to make submissions or to be heard in relation to the application.

(2) If the extended exclusion order respondent is the subject person, the written notice must be served on the extended exclusion order respondent in accordance with section 152NZQ(2).

(3) Nothing in subsection (1) requires or authorises the Director to disclose confidential police information.

[Section 152NQ inserted: No. 44 of 2022 s. 16.]

152NR. Director may vary or revoke extended exclusion order on application

(1) Unless the applicant and the extended exclusion order respondent agree otherwise, the Director must dispose of an application under section 152NO(1) in accordance with

subsection (2) within 30 days after the day on which the Director receives the application.

(2) The Director may dispose of the application —

(a) by varying or revoking the extended exclusion order (whether or not the variation or revocation was applied for); or

(b) by refusing the application; or

(c) at the request of the applicant — by discontinuing the application.

(3) The Director may vary or revoke an extended exclusion order under this section only if satisfied that it is reasonable in the circumstances to do so —

(a) having given the extended exclusion order respondent a reasonable opportunity to make submissions or to be heard in relation to the application; and

(b) having regard to —

(i) any information or document provided by the applicant in or with the application; and

(ii) any information or document provided by the extended exclusion order respondent under paragraph (a).

(4) If the Director refuses or discontinues an application under subsection (2)(b) or (c), the Director must ensure that written notice of the refusal or discontinuation is —

(a) served on the subject person in accordance with section 152NZQ(2); and

(b) given to the Commissioner of Police.

[Section 152NR inserted: No. 44 of 2022 s. 16; amended: No. 20 of 2025 s. 67.]

152NS. Director may vary or revoke extended exclusion order on own initiative

(1) The Director may vary or revoke an extended exclusion order on the Director's own initiative.

(2) If the Director proposes to vary or revoke an extended exclusion order on the Director's own initiative, the Director must ensure that the Commissioner of Police and the subject person are given a written notice that —

(a) explains the effect of the proposed variation or revocation; and

(b) sets out the reasons why the Director considers that the extended exclusion order should be varied or revoked; and

(c) informs the Commissioner and the subject person that they will be given a reasonable opportunity to make submissions or to be heard in relation to the proposed variation or revocation.

(3) The written notice must be served on the subject person in accordance with section 152NZQ(2).

(4) The Director may vary or revoke an extended exclusion order under this section only if satisfied that it is reasonable in the circumstances to do so —

(a) having given the Commissioner of Police and the subject person a reasonable opportunity to make submissions or to be heard in relation to the proposed variation or revocation; and

(b) having regard to any information or document provided by the Commissioner or the subject person under paragraph (a).

(5) If the Director decides not to vary or revoke the extended exclusion order, the Director must ensure that written notice of the decision is —

(a) served on the subject person in accordance with section 152NZQ(2); and

(b) given to the Commissioner of Police.

[Section 152NS inserted: No. 44 of 2022 s. 16.]

152NT. Effect of variation or revocation

(1) If the Director varies an extended exclusion order —

(a) the Director must ensure that a written notice setting out the variation of the order is —

(i) served on the subject person in accordance with section 152NZQ(2); and

(ii) given to the Commissioner of Police;

and

(b) the variation takes effect from the time the notice is served on the subject person in accordance with section 152NZQ(2).

(2) If the Director revokes an extended exclusion order —

(a) the order immediately ceases to have effect; and

(b) as soon as practicable after the order is revoked, the Director must ensure that a written notice stating that the order has been revoked and the time of the revocation is —

(i) served on the subject person in accordance with section 152NZQ(2); and

(ii) given to the Commissioner of Police.

[Section 152NT inserted: No. 44 of 2022 s. 16.]

Division 4 — General provisions about exclusion orders

[Heading inserted: No. 44 of 2022 s. 16.]

152NU. Effect of changes to protected entertainment precincts on exclusion orders

(1) The prohibition in an exclusion order from entering or remaining in all protected entertainment precincts applies to each area of the State that is, from time to time, a protected entertainment precinct.

(2) A change to an area of the State that is a protected entertainment precinct is not a variation of an exclusion order for the purposes of this Part.

(3) An exclusion order does not cease to have effect solely because, as a result of a change to an area of the State that is a protected entertainment precinct, the location where the behaviour on which the exclusion order is based occurred is no longer in a protected entertainment precinct.

[Section 152NU inserted: No. 44 of 2022 s. 16.]

152NV. Exclusion order applies at all times unless varied

(1) Subject to subsection (2), the prohibition in an exclusion order on the subject person entering or remaining in all protected entertainment precincts applies at all times.

(2) Either of the following may vary an exclusion order so that the prohibition in the exclusion order on the subject person entering or remaining in all protected entertainment precincts applies only at times specified in the order —

(a) the Commissioner of Police under section 152NF(4)(a);

(b) the Director under section 152NR(2)(a).

(3) An exclusion order must state whether the prohibition in the order on the subject person entering or remaining in all protected entertainment precincts applies —

(a) at all times; or

(b) at times specified in the order.

[Section 152NV inserted: No. 44 of 2022 s. 16; amended: No. 20 of 2025 s. 96.]

152NW. Form of exclusion order

An exclusion order must be in writing in the approved form.

[Section 152NW inserted: No. 44 of 2022 s. 16; amended: No. 20 of 2025 s. 123.]

152NX. Exclusion order must be served and explained

(1) A person who makes an exclusion order must, as soon as practicable after making the order, ensure that the order is served on the subject person in accordance with section 152NZQ(2).

(2) A person who makes an exclusion order must explain, or cause to be explained, to the subject person, in language likely to be understood by the subject person —

(a) the duration and effect of the exclusion order; and

(b) the consequences of contravening the exclusion order; and

(c) the effect of sections 152NU and 152NZF; and

(d) if applicable, the right of the subject person to apply to the Tribunal for a review of the decision to make the exclusion order; and

(e) in the case of a short-term exclusion order —

(i) that the subject person may apply to the Commissioner of Police for the variation or revocation of the short-term exclusion order under section 152NF; and

(ii) that the Commissioner of Police may apply to the Director for an extended exclusion order, with a

term of no more than 5 years (or 2 years for a juvenile); and

(iii) the effect of section 152NG;

and

(f) in the case of an extended exclusion order —

(i) that the subject person may apply to the Director for the variation or revocation of the extended exclusion order under section 152NO(1); and

(ii) the effect of section 152NZ.

(3) The explanation referred to in subsection (2) may be given in writing (including as part of an exclusion order), in which case it must be served on the subject person in accordance with section 152NZQ(2).

(4) Failure to comply with subsection (2) does not —

(a) invalidate an exclusion order; or

(b) affect the liability of a person for an offence under this Part.

[Section 152NX inserted: No. 44 of 2022 s. 16; amended: No. 20 of 2025 s. 122.]

152NY. Duration of exclusion order

An exclusion order —

(a) has effect from the time the order is served on the subject person in accordance with section 152NZQ(2); and

(b) ceases to have effect when any of the following occurs —

(i) the term of the order expires;

(ii) the order is revoked;

(iii) the decision to make the order is set aside by the Tribunal.

[Section 152NY inserted: No. 44 of 2022 s. 16; amended: No. 20 of 2025 s. 97.]

152NZ. Term of extended exclusion order extended by period in custody

The term of an extended exclusion order is extended by any period after the order comes into effect during which the subject person is —

(a) in custody serving a sentence of imprisonment for any offence, whenever committed; or

(b) in custody following conviction of an offence, whenever committed, awaiting sentencing for the offence.

[Section 152NZ inserted: No. 44 of 2022 s. 16.]

152NZA. Correcting mistakes in exclusion order

(1) The Commissioner of Police (in the case of a short-term exclusion order) or the Director (in the case of an extended exclusion order) may correct an exclusion order to the extent necessary to rectify —

(a) a clerical mistake; or

(b) a mistake arising from an accidental slip or omission; or

(c) a material mistake in the description of any person, thing or matter referred to in the order.

(2) The Commissioner of Police or Director (as the case requires) must, as soon as practicable after an exclusion order is corrected under this section —

(a) ensure that written notice of the correction is served on the subject person in accordance with section 152NZQ(2); and

(b) make a record of the particulars of the correction of the order.

(3) An exclusion order corrected under this section has the same validity and effect as if the mistake had not been made.

[Section 152NZA inserted: No. 44 of 2022 s. 16.]

*[**152NZB.** Deleted: No. 20 of 2025 s. 98.]*

152NZC. Publication and disclosure of information about exclusion orders

(1) In this section —

personal particulars, in relation to an exclusion order, means —

(a) the name and date of birth of the subject person; and

(b) a photograph of the subject person; and

(c) the address of the subject person;

secure webpage means a page on a website that is accessible only by —

(a) the licensee or occupier of licensed premises; or

(b) a manager of licensed premises; or

(c) a prescribed person, a person belonging to a prescribed class of persons or a person in a prescribed circumstance.

(2) If a short-term exclusion order is in effect, the Commissioner of Police must publish on a secure webpage all of the personal particulars in relation to the order, to the extent those particulars are in the possession of the Commissioner.

(3) If an extended exclusion order is in effect, the Director may —

(a) publish on a secure webpage any of the personal particulars in relation to the order; and

(b) if the subject person in relation to the order is not a juvenile — publish, in any manner the Director considers appropriate, any of the following in relation to the order —

(i) the name of the subject person;

(ii) a photograph of the subject person;

(iii) the town or suburb where the subject person lives.

(4) If an exclusion order is in effect, the Commissioner of Police or the Director may disclose any of the personal particulars in relation to the order to —

(a) a public authority if the Commissioner or the Director (as the case requires) considers that the personal particulars are required by that authority for a purpose relating to the administration or enforcement of this Act or another written law; or

(b) a prescribed person, or a person belonging to a prescribed class of persons, if the Commissioner or the Director (as the case requires) considers that the personal particulars are required by that person for a purpose relating to —

(i) the further provision of the personal particulars to responsible persons in relation to licensed premises to assist those responsible persons to identify persons subject to exclusion orders; or

(ii) the creation or provision of equipment, software, databases or any other thing to be used by responsible persons in identifying persons subject to exclusion orders.

(5) Subsections (2), (3) and (4) do not permit the publication or disclosure of anything that identifies, or is capable of identifying —

(a) a juvenile other than the subject person; or

(b) the details of any offence of which the subject person was convicted in the Children's Court.

[Section 152NZC inserted: No. 44 of 2022 s. 16.]

152NZD. Offence of further disclosing information about exclusion orders

(1) Subject to subsections (2), (3) and (4), a person who discloses information or a photograph that the person has obtained from a secure webpage referred to in section 152NZC(2) or (3)(a), or from a disclosure under section 152NZC(4), commits an offence.

Penalty for this subsection: a fine of $10 000.

(2) Subsection (1) does not apply to information or a photograph that has also been published under section 152NZC(3)(b).

(3) A responsible person in relation to licensed premises does not commit an offence under subsection (1) if —

(a) the responsible person discloses the information or photograph in the performance of duties relating to the person's work on the licensed premises; or

(b) the responsible person discloses the information or photograph to another responsible person in relation to the licensed premises for the purposes of enabling the second responsible person to perform duties relating to that second person's work on the licensed premises.

(4) A person to whom information or a photograph has been disclosed under section 152NZC(4)(a) or (b) does not commit an offence under subsection (1) if they disclose the information or photograph for a purpose referred to in section 152NZC(4)(a) or (b) (as the case requires).

[Section 152NZD inserted: No. 44 of 2022 s. 16.]

152NZE. Relationship with *Criminal Organisations Control Act 2012*

An exclusion order is of no effect to the extent that it conflicts with or duplicates a condition of an interim control order or a control order under the *Criminal Organisations Control Act 2012* that applies to the subject person.

[Section 152NZE inserted: No. 44 of 2022 s. 16.]

152NZF. Orders not affected by other orders under Act

(1) This section applies if more than 1 of the following is in effect in respect of a person (each a ***restriction order***) —

(a) a barring notice;

(b) a prohibition order under Part 5A;

(c) an exclusion order;

(d) a banned drinker order.

(2) The person must comply with each restriction order that is in effect in respect of them.

(3) A failure by the person to comply with a restriction order is not affected by the fact that the person's actions would not have been prohibited under another restriction order that is in effect in respect of them.

[Section 152NZF inserted: No. 44 of 2022 s. 16; amended: No. 25 of 2023 s. 14.]

152NZG. Delegation by Commissioner of Police

(1) The Commissioner of Police may delegate a function of the Commissioner under sections 152NF, 152NJ, 152NK, 152NM, 152NO, 152NR, 152NS and 152NZA to a police officer who is, or is acting as, an Inspector or an officer of a rank more senior than Inspector.

(2) The delegation must be in writing signed by the Commissioner of Police.

(3) A person to whom a function is delegated under this section cannot delegate the function.

(4) A person performing a function delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.

(5) Nothing in this section limits the ability of the Commissioner of Police to perform a function through an officer or agent.

(6) Section 3(6) does not apply to a reference to the Commissioner of Police in a section referred to in subsection (1).

[Section 152NZG inserted: No. 44 of 2022 s. 16; amended: No. 25 of 2023 s. 21(1); No. 20 of 2025 s. 67.]

*[**152NZH.** Deleted: No. 20 of 2025 s. 99.]*

Division 5 — Offences

[Heading inserted: No. 44 of 2022 s. 16.]

152NZI. Offence of failing to comply with exclusion order

(1) In this section —

specified exception, in relation to an exclusion order, means an exception to the prohibition in the order provided by a term or condition specified in the order.

(2) A person commits an offence if —

(a) the person is subject to an exclusion order that is in effect; and

(b) the person enters or remains in a protected entertainment precinct at a time to which the prohibition in the order applies.

Penalty for this subsection: imprisonment for 2 years and a fine of $12 000.

(3) It is a defence to a charge under subsection (2) for the accused to prove that at all times the offence is alleged to have been committed —

(a) the accused entered or remained (as relevant) in the protected entertainment precinct in accordance with a specified exception; and

(b) the accused was complying with any conditions on the specified exception.

(4) Subsection (3) does not limit section 152NZK(3).

(5) Subsection (2) does not apply if —

(a) at the time the person is alleged to have committed the offence, the exclusion order had been varied but the variation had not yet taken effect under this Act; and

(b) the person would not have committed an offence under subsection (2) if the variation had taken effect immediately upon it having been made.

[Section 152NZI inserted: No. 44 of 2022 s. 16.]

152NZJ. Excluded offender must not enter or remain in protected entertainment precinct

(1) In this section —

conviction —

(a) means a finding of guilt by a court, or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded; and

(b) despite the *Spent Convictions Act 1988* section 13 and Part 3 Division 4, includes a spent conviction as defined in section 3(1) of that Act;

conviction date, in relation to an excluded offender, means the day on which the excluded offender was convicted of the specified offence;

relevant material, in relation to proceedings for an offence against subsection (3), means a statement of material facts relied on for sentencing, or sentencing remarks, in proceedings relating to the accused's conviction of a specified offence;

specified offence means —

(a) an offence against *The Criminal Code* section 279, 280, 281, 293, 294, 297, 301, 305A, 325 or 326; or

(b) an offence of attempting, inciting another person or conspiring to commit an offence referred to in paragraph (a).

(2) In this section, a person is an ***excluded offender*** if —

(a) the person has been convicted of a specified offence; and

(b) the conviction has not been quashed or set aside and is not a conviction in respect of which a pardon has been granted; and

(c) at least 1 of the acts, omissions, events, circumstances or states of affairs that constitute the elements of the offence occurred in a location that —

(i) was, at the time the act, omission, event, circumstance or state of affairs occurred, a public place; and

(ii) was, on the day on which the person was convicted of the offence, in a protected entertainment precinct (whether or not the location was in a protected entertainment precinct at the time the act, omission, event, circumstance or state of affairs occurred).

(3) An excluded offender who enters or remains in a protected entertainment precinct during the exclusion period for the excluded offender commits a crime.

Penalty for this subsection: imprisonment for 5 years.

Summary conviction penalty for this subsection: imprisonment for 2 years and a fine of $12 000.

(4) For the purposes of subsection (3), the ***exclusion period*** for an excluded offender is, subject to subsection (5) —

(a) in the case of an excluded offender who is a juvenile on the conviction date — the period of 2 years beginning on the conviction date; or

(b) in any other case — the period of 5 years beginning on the conviction date.

(5) A period referred to in subsection (4)(a) or (b) is extended by any period on or after the conviction date during which the excluded offender is —

(a) in custody serving a sentence of imprisonment for any offence, whenever committed; or

(b) in custody following conviction of an offence, whenever committed, awaiting sentencing for the offence.

(6) An exclusion order is of no effect in respect of an excluded offender during the exclusion period for the excluded offender.

(7) In proceedings for an offence against subsection (3), any statement in relevant material as to the location of an act, omission, event, circumstance or state of affairs that constitutes an element of a specified offence is sufficient evidence of the location of that act, omission, event, circumstance or state of affairs, except so far as the contrary is shown.

[Section 152NZJ inserted: No. 44 of 2022 s. 16.]

152NZK. Defences for s. 152NZI and 152NZJ

(1) In this section —

health service has the meaning given in the *Health Services Act 2016* section 7;

social welfare service includes a service provided by a government or charitable organisation for community welfare, financial assistance, housing or temporary accommodation.

(2) In this section, a person was ***undertaking permitted travel*** in relation to a protected entertainment precinct if the person —

(a) was travelling through the protected entertainment precinct, or accessing or using a mode of transport in the protected entertainment precinct, for the sole purpose of —

(i) getting to a place, or doing a thing, referred to in subsection (3)(a) to (m) in the protected entertainment precinct; or

(ii) getting to a place outside of the protected entertainment precinct and it was necessary in the circumstances for the person to travel through the protected entertainment precinct, or access or use the mode of transport in the protected entertainment precinct, in order to get to that place;

and

(b) took the most direct route through the protected entertainment precinct (or the most direct route applicable for the mode of transport used); and

(c) did not stop unnecessarily in the protected entertainment precinct or remain in the protected entertainment precinct for any purpose other than the relevant travel or access to or use of the mode of transport.

(3) It is a defence to a charge under section 152NZI(2) or 152NZJ(3) for the accused to prove that, at all times the offence is alleged to have been committed, 1 or more of the following applied —

(a) the accused was at their ordinary place of residence;

(b) the accused was at another person's place of residence if —

(i) the accused was the sole carer of that other person and was there solely to provide care to them; and

(ii) it was necessary in the circumstances for the accused to be there in order to provide the care;

(c) the accused was engaging in a lawful occupation, trade or profession;

(d) the accused was attending an educational institution to take part in secondary education or a higher education course registered under the *Higher Education Act 2004* section 23(3) or an approved VET course as defined in the *Vocational Education and Training Act 1996* section 5(1) and it was necessary in the circumstances for the accused to be in the protected entertainment precinct in order to take part in the secondary education, higher education course or approved VET course;

(e) the accused was receiving a health service or social welfare service and it was necessary in the circumstances for the accused to be in the protected entertainment precinct in order to receive the service;

(f) the accused was obtaining a health service or social welfare service for a person of whom the accused was the sole carer and it was necessary in the circumstances for the accused to be in the protected entertainment precinct in order to obtain the service;

(g) the accused was receiving legal advice and it was necessary in the circumstances for the accused to be in the protected entertainment precinct in order to receive the advice;

(h) the accused was in custody;

(i) the accused was complying with a written law, an order made by a court or tribunal, or any other order, direction or requirement made under a written law;

(j) the accused was appearing before a court or tribunal;

(k) the accused was attending a religious service and it was necessary in the circumstances for the accused to be in the protected entertainment precinct in order to attend a religious service of that kind;

(l) the accused was a member of an organisation of employees registered under the *Industrial Relations Act 1979* Part II Division 4 or the *Fair Work (Registered*

Organisations) Act 2009 (Commonwealth) and was undertaking activities for the purposes of the business of the organisation and it was necessary in the circumstances for the accused to be in the protected entertainment precinct in order to undertake the activities;

(m) if the accused is an Aboriginal person or a Torres Strait Islander — the accused was fulfilling a cultural practice or obligation of the customary laws or traditions of the accused's community and it was necessary in the circumstances for the accused to be in the protected entertainment precinct in order to fulfil the practice or obligation;

(n) the accused was undertaking permitted travel in relation to the protected entertainment precinct.

(4) For the purposes of subsections (2)(a)(ii) and (3), it is not necessary to be in a protected entertainment precinct to do a thing if the accused could reasonably do the thing without entering the protected entertainment precinct.

[Section 152NZK inserted: No. 44 of 2022 s. 16.]

152NZL. Permitting person subject to exclusion order or excluded offender to enter premises

(1) This section applies if licensed premises are located in a protected entertainment precinct.

(2) A responsible person in relation to the licensed premises commits an offence if —

(a) the responsible person —

(i) knows that an exclusion order is in effect in respect of a person; and

(ii) permits the subject person to enter or remain on the premises in contravention of the exclusion order;

and

(b) an exception in section 152NZK(3) does not apply to the subject person entering or remaining on the licensed premises.

Penalty for this subsection: a fine of $10 000.

(3) A responsible person in relation to the licensed premises commits an offence if —

(a) the responsible person —

(i) knows that a person is an excluded offender; and

(ii) knows that the exclusion period for the excluded offender has not ended; and

(iii) permits the excluded offender to enter or remain on the premises during the excluded offender's exclusion period;

and

(b) an exception in section 152NZK(3) does not apply to the excluded offender entering or remaining on the licensed premises.

Penalty for this subsection: a fine of $10 000.

(4) For the purposes of subsections (2)(b) and (3)(b), an exception in section 152NZK(3) applies to the subject person or the excluded offender entering or remaining on the licensed premises if, at all relevant times, the subject person or excluded offender enters or remains on the licensed premises in circumstances referred to in section 152NZK(3).

(5) For the purposes of subsection (4), section 152NZK(3) applies as if —

(a) a reference to the accused were a reference to the subject person or the excluded offender (as the case requires); and

(b) a reference to the protected entertainment precinct were a reference to the licensed premises.

[Section 152NZL inserted: No. 44 of 2022 s. 16.]

152NZM. Police officer may require person to give personal details in certain circumstances

(1) In this section —

personal details, in relation to a person, has the meaning given in the *Criminal Investigation (Identifying People) Act 2002* section 16(1).

(2) This section applies if —

(a) a person is in a protected entertainment precinct and any or all of the person's personal details are required for —

(i) the purposes of making a short-term exclusion order in respect of the person; or

(ii) the purposes of the Commissioner of Police making an application under section 152NJ(1) in respect of the person; or

(iii) the service of a document on the person under section 152NZQ(2);

or

(b) a police officer reasonably suspects that a person who is in a protected entertainment precinct is —

(i) subject to an exclusion order that is in effect; or

(ii) an excluded offender whose exclusion period has not ended.

(3) If any or all of the person's personal details are unknown to a police officer, the police officer may request the person to give the officer any or all of the person's personal details.

(4) If a request is made under subsection (3), the *Criminal Investigation (Identifying People) Act 2002* section 16 applies to and in relation to the request in the same way as it applies to a request made under subsection (2) of that section.

[Section 152NZM inserted: No. 44 of 2022 s. 16; amended: No. 25 of 2023 s. 21.]

Division 6 — Miscellaneous

[Heading inserted: No. 44 of 2022 s. 16.]

Subdivision 1 — Other notices

[Heading inserted: No. 44 of 2022 s. 16.]

152NZN. Notice must be given to excluded offender

(1) In this section —

conviction date, in relation to an excluded offender, has the meaning given in section 152NZJ(1).

(2) The Director must ensure that a written notice in accordance with subsection (5) is served on an excluded offender as soon as practicable after the excluded offender's conviction date.

(3) If, after the excluded offender's conviction date and before the end of the exclusion period for the excluded offender, the excluded offender is released from custody after serving a sentence of imprisonment, the Director must ensure that a written notice in accordance with subsection (5) is served on the excluded offender either —

(a) within 7 days before the excluded offender is released; or

(b) as soon as practicable after the excluded offender is released.

(4) A notice under subsection (2) or (3) must be served on the excluded offender in accordance with section 152NZQ(2).

(5) A notice under subsection (2) or (3) must —

(a) describe each area of the State that is a protected entertainment precinct as at the date of the notice; and

(b) explain the effect of section 152NZJ and the consequences of committing an offence under section 152NZJ(3).

(6) Failure to comply with this section does not affect the liability of a person for an offence under this Part.

[Section 152NZN inserted: No. 44 of 2022 s. 16.]

152NZO. Protected entertainment precincts must be advertised and notified

(1) This section applies if regulations are proposed to be made, amended or repealed under section 175(1E) that would result in 1 or more of the following (each a ***change to a protected entertainment precinct***) —

(a) a new area of the State being prescribed under section 175(1E);

(b) a change to an area of the State that is prescribed under section 175(1E);

(c) an area of the State no longer being prescribed under section 175(1E).

(2) The Director must, before the day on which each change to a protected entertainment precinct is proposed to take effect, ensure that —

(a) the following (the ***changed precinct details***) are advertised in accordance with subsection (3) —

(i) the details of the change (including a description of the areas of the State affected by the change);

(ii) the day on which the change is proposed to take effect;

and

(b) a written notice setting out the changed precinct details is served in accordance with section 152NZQ(2) on each person who is subject to an exclusion order that will be in effect on the day on which the change is proposed to take effect.

(3) The changed precinct details must be advertised —

(a) by publishing the details on the Department's website; and

(b) in any other manner prescribed.

(4) The Director must ensure that a current description of each area of the State that is a protected entertainment precinct is available on the Department's website.

(5) Failure to comply with this section does not affect —

(a) the validity of any regulations made, amended or repealed under section 175(1E); or

(b) the operation of section 152NU(1); or

(c) the liability of a person for an offence under this Part.

[Section 152NZO inserted: No. 44 of 2022 s. 16.]

Subdivision 2 — Service of documents

[Heading inserted: No. 44 of 2022 s. 16.]

152NZP. Terms used

In this Subdivision —

document includes an order, notice or application;

electronic means includes —

(a) an electronic database or document system; and

(b) any other means by which a document can be accessed electronically;

named juvenile has the meaning given in section 152NZQ(3);

named person has the meaning given in section 152NZQ(4).

[Section 152NZP inserted: No. 44 of 2022 s. 16.]

152NZQ. Service of exclusion orders and other documents

(1) In this section —

custodial officer has the meaning given in the *Young Offenders Act 1994* section 3;

detainee has the meaning given in the *Young Offenders Act 1994* section 3;

prison has the meaning given in the *Prisons Act 1981* section 3(1);

superintendent has the meaning given in the *Prisons Act 1981* section 3(1).

(2) To serve a document on a person in accordance with this subsection, the document must be served —

(a) if the person is a juvenile — in accordance with subsection (3); or

(b) in any other case — in accordance with subsection (4).

(3) To serve a document on a juvenile (the ***named juvenile***) in accordance with this subsection —

(a) if the named juvenile is a detainee — a custodial officer must —

(i) hand the document to the named juvenile in person; or

(ii) if the named juvenile refuses to accept the document — leave it near the named juvenile

and orally draw the named juvenile's attention to it;

or

(b) in any other case — a police officer must —

(i) hand the document to the named juvenile in person; or

(ii) if the named juvenile refuses to accept the document — leave it near the named juvenile and orally draw the named juvenile's attention to it.

(4) To serve a document on a person (the ***named person***) in accordance with this subsection, another person must —

(a) do 1 of the following —

(i) hand it to the named person in person;

(ii) if the named person refuses to accept it — leave it near the named person and orally draw the named person's attention to it;

(iii) hand it to another person who appears to have reached 16 years of age and who appears to be residing at the place where the named person is known to reside;

(iv) if the named person is in a prison — hand it to the superintendent of the prison;

or

(b) post the document to —

(i) the named person at an address provided by the named person, but only if the named person has consented to being served with documents under this Part at that address; or

(ii) if the named person is in a prison — the named person at the address of the prison;

or

(c) give the document to the named person at an electronic address provided by the named person, or by other prescribed electronic means in accordance with the regulations, but only if the named person has consented to being served with documents under this Part at that electronic address or by those electronic means; or

(d) give the document to the named person by another means, but only if the named person has consented to being served with documents under this Part by those means.

(5) The regulations may make provision for or in relation to the following —

(a) the manner in which consent under subsection (4)(b)(i), (c) or (d) may or must be given;

(b) circumstances in which consent under subsection (4)(b)(i), (c) or (d) is taken not to be given.

[Section 152NZQ inserted: No. 44 of 2022 s. 16; amended: No. 25 of 2023 s. 21(1).]

152NZR. Time when document served

(1) In this section —

working day means a day other than a Saturday, a Sunday or a public holiday throughout the State.

(2) A document served in accordance with section 152NZQ(3) is taken to be served on the named juvenile at the time it is handed to or left near the named juvenile under that provision.

(3) A document served in accordance with section 152NZQ(4)(a) is taken to be served on the named person at the time it is handed to or left near a person under that provision.

(4) A document served by post in accordance with section 152NZQ(4)(b) is taken to be served on the named person —

(a) at the end of the 4th working day after the date it was posted; or

(b) if it is proved that the document was delivered at a different time — at the time at which the document was delivered.

(5) Despite subsection (4), the document is taken not to be served if the postal service returns the document to the sender or it is proved that the document was not delivered.

(6) The regulations may make provision for or in relation to the following —

(a) the time at which a document served in accordance with section 152NZQ(4)(c) or (d) is taken to be served;

(b) circumstances in which a document served in accordance with section 152NZQ(4)(c) or (d) is taken not to be served;

(c) the means of satisfying a requirement under this Part in relation to a document (for example, a requirement that the original of a document be given or that a document be signed) if the document is served by electronic means.

[Section 152NZR inserted: No. 44 of 2022 s. 16.]

152NZS. Proof of service of document

(1) A soon as practicable after a person serves a document in accordance with section 152NZQ(2), the person must make a certificate of service.

(2) The certificate must —

(a) state that, at the time and place stated in the certificate, the person making the certificate served the document in accordance with section 152NZQ(2); and

(b) be signed by the person making the certificate (which may be by way of an electronic signature).

(3) The certificate must state the full name of the person served.

(4) A signed certificate of service that complies with this section may be tendered in evidence without calling the person who signed the certificate.

(5) When a certificate of service is tendered under subsection (4), it is to be presumed, unless the contrary is proved —

(a) that the signature is that of the person who made the certificate; and

(b) that the information in the certificate is true.

(6) Section 172(4) and (6)(b) do not apply in relation to the service of a document in accordance with section 152NZQ(2).

[Section 152NZS inserted: No. 44 of 2022 s. 16.]

Subdivision 3 — Other matters

[Heading inserted: No. 44 of 2022 s. 16.]

152NZT. Publication and disclosure of information about excluded offenders

(1) In this section —

personal particulars, in relation to an excluded offender, means —

(a) the name and date of birth of the excluded offender; and

(b) a photograph of the excluded offender; and

(c) the address of the excluded offender;

secure webpage means a page on a website that is accessible only by —

(a) the licensee or occupier of licensed premises; or

(b) a manager of licensed premises; or

(c) a prescribed person, a person belonging to a prescribed class of persons or a person in a prescribed circumstance.

(2) During the exclusion period for an excluded offender, the Commissioner of Police or the Director may —

(a) publish on a secure webpage any of the personal particulars in relation to the excluded offender; and

(b) if the excluded offender is not a juvenile — publish, in any manner the Commissioner or the Director (as the case requires) considers appropriate, any of the following —

(i) the name of the excluded offender;

(ii) a photograph of the excluded offender;

(iii) the town or suburb where the excluded offender lives.

(3) During the exclusion period for an excluded offender, the Commissioner of Police or the Director may disclose any of the personal particulars in relation to the excluded offender to —

(a) a public authority if the Commissioner or the Director (as the case requires) considers that the personal particulars are required by that authority for a purpose relating to the administration or enforcement of this Act or another written law; or

(b) a prescribed person, or a person belonging to a prescribed class of persons, if the Commissioner or the Director (as the case requires) considers that the personal particulars are required by that person for a purpose relating to —

(i) the further provision of the personal particulars to responsible persons in relation to licensed premises to assist those responsible persons to identify excluded offenders; or

(ii) the creation or provision of equipment, software, databases or any other thing to be used by responsible persons in identifying excluded offenders.

(4) Subsections (2) and (3) do not permit the publication or disclosure of anything that identifies, or is capable of identifying —

(a) a juvenile other than the excluded offender; or

(b) the details of any offence of which the excluded offender was convicted in the Children's Court.

[Section 152NZT inserted: No. 44 of 2022 s. 16.]

152NZU. Offence of further disclosing information about excluded offenders

(1) Subject to subsections (2), (3) and (4), a person who discloses information or a photograph that the person has obtained from the secure webpage referred to in section 152NZT(2)(a), or from a disclosure under section 152NZT(3), commits an offence.

Penalty for this subsection: a fine of $10 000.

(2) Subsection (1) does not apply to information or a photograph that has also been published under section 152NZT(2)(b).

(3) A responsible person in relation to licensed premises does not commit an offence under subsection (1) if —

(a) the responsible person discloses the information or photograph in the performance of duties relating to the person's work on the licensed premises; or

(b) the responsible person discloses the information or photograph to another responsible person in relation to the licensed premises for the purposes of enabling the second responsible person to perform duties relating to that second person's work on the licensed premises.

(4) A person to whom information or a photograph has been disclosed under section 152NZT(3)(a) or (b) does not commit an offence under subsection (1) if they disclose the information

or photograph for a purpose referred to in section 152NZT(3)(a) or (b) (as the case requires).

[Section 152NZU inserted: No. 44 of 2022 s. 16.]

152NZV. Monitoring by Parliamentary Commissioner

(1) In this section —

Parliamentary Commissioner means the Parliamentary Commissioner for Administrative Investigations appointed under the *Parliamentary Commissioner Act 1971*.

(2) The Parliamentary Commissioner must keep under scrutiny the operation of, and the exercise of powers under —

(a) the provisions of this Part; and

(b) any regulations made for the purposes of this Part; and

(c) any regulations made under section 175(1E).

(3) For that purpose, the Parliamentary Commissioner may require the Commissioner of Police or the Director to provide information relevant to the operation of, and the exercise of powers under, the provisions referred to in subsection (2).

(4) The Parliamentary Commissioner —

(a) must, as soon as practicable after the 3rd anniversary of the day on which the *Liquor Control Amendment (Protected Entertainment Precincts) Act 2022* section 16 comes into operation, prepare a report on the Parliamentary Commissioner's work and activities under this section and give a copy of the report to the Minister and to the Commissioner of Police; and

(b) may, at any other time the Parliamentary Commissioner considers appropriate, prepare a report on the Parliamentary Commissioner's work and activities under this section and give a copy of the report to the Minister and to the Commissioner of Police.

(5) A report under subsection (4) —

(a) must, if the Parliamentary Commissioner has identified any group in the community that is particularly affected by the operation of, or the exercise of powers under, the provisions referred to in subsection (2), include a review of the impact of the operation of, and the exercise of powers under, those provisions on that group; and

(b) may include recommendations about amendments that might appropriately be made to this Act in relation to the operation of, or the exercise of powers under, the provisions referred to in subsection (2).

(6) The Minister must cause a report under subsection (4) to be laid before each House of Parliament as soon as practicable after the Minister receives the report.

(7) Nothing in this section limits or affects the jurisdiction or functions of the Parliamentary Commissioner under the *Parliamentary Commissioner Act 1971*.

[Section 152NZV inserted: No. 44 of 2022 s. 16.]

Part 5B — Liquor restricted premises

[Heading inserted: No. 56 of 2010 s. 26.]

152N. Terms used

In this Part —

applicant, in relation to a liquor restriction declaration, means the person on whose application the declaration was granted;

liquor restricted premises means premises that are the subject of a liquor restriction declaration that is in force;

liquor restriction declaration means a declaration made under section 152P;

occupier, in relation to premises, means a person who is, or is entitled to be, in occupation or control of the premises, whether exclusively or jointly or in common with other persons.

[Section 152N inserted: No. 56 of 2010 s. 26.]

152O. Liquor on restricted premises: offence

(1) A person who —

(a) brings, or attempts to bring, liquor onto; or

(b) causes, or attempts to cause, liquor to be brought onto; or

(c) has in his or her possession or control any liquor on; or

(d) consumes liquor on,

liquor restricted premises commits an offence.

Penalty for this subsection: a fine of $3 000.

(2) Subsection (1)(a), (b) and (c) do not apply if —

(a) the person in possession of the liquor is passing through a part of the liquor restricted premises that is open to the public or through which the person has a right of access; and

(b) the liquor —

(i) is in an unopened container or a container that having been opened is securely re-closed; and

(ii) is intended for consumption off the liquor restricted premises.

(3) It is a defence to a charge of an offence against subsection (1) to show that the person charged —

(a) did not know; and

(b) could not reasonably have been expected to know,

that the premises were liquor restricted premises.

[Section 152O inserted: No. 56 of 2010 s. 26; amended: No. 35 of 2015 s. 22; No. 20 of 2025 s. 40.]

152P. Declaration of liquor restricted premises

(1) The Director may, by notice in writing, declare any of, or any part of, the following to be liquor restricted premises —

(a) residential premises;

(b) non-residential private premises, even if all or part of the premises is open to the public;

(c) Crown land that is occupied by a person who has a right to exclusive possession of the land.

(2) A declaration may be made so as to declare premises to be a liquor restricted premises —

(a) at all times; or

(b) only during such periods as are specified in the declaration.

(3) A declaration may be made subject to any exemptions or conditions the Director thinks fit.

(4) The Director may exercise a power under subsection (1) on the application of —

(a) an owner or occupier of the premises; or

(b) a person who is, in relation to the premises, in a prescribed class of persons.

[Section 152P inserted: No. 56 of 2010 s. 26.]

152Q. Liquor restriction declarations, power to make

(1) The Director may make a liquor restriction declaration if satisfied that making the declaration —

(a) either —

(i) reflects the wishes of the majority of the occupiers of the premises; or

(ii) is in the public interest, despite not reflecting the wishes of the majority of the occupiers of the premises;

and

(b) is reasonable in the circumstances.

(2) The Director may make a liquor restriction declaration in relation to all or part of the premises to which the application relates.

(3) If the applicant is not the sole owner and occupier of premises to which an application relates the Director must not declare the premises to be liquor restricted premises unless the Director is satisfied that each other person who owns or occupies any part of the premises —

(a) consents to the declaration being made; or

(b) has —

(i) been informed of the application; and

(ii) had a reasonable opportunity to make submissions to the Director.

(4) For the purposes of deciding whether to declare premises to be liquor restricted premises the Director may consult with all or any of the following persons —

(a) owners or occupiers of the premises the subject of the application;

(b) owners or occupiers of premises near the premises the subject of the application;

(c) the Commissioner of Police;

(d) the relevant local government;

(e) any other person, body or authority the Director considers may be able to provide information relevant to the application.

(5) If the Director refuses to make a liquor restriction declaration the Director must notify the applicant of the refusal and the grounds on which it was made.

[Section 152Q inserted: No. 56 of 2010 s. 26.]

152R. Service etc. of liquor restriction declarations

(1) On making a liquor restriction declaration the Director must give a copy of the declaration to —

(a) the applicant; and

(b) the Commissioner of Police.

(2) On making a liquor restriction declaration the Director must give notice of the declaration to each other person who owns or occupies any part of the liquor restricted premises.

(3) A notice under subsection (2) —

(a) must comply with section 152S(3)(a); and

(b) may be given in person or by post.

(4) A failure to give notice as required by subsection (2) does not affect the validity of the declaration.

[Section 152R inserted: No. 56 of 2010 s. 26.]

152S. Notice of liquor restriction declaration to be displayed at premises

(1) As soon as practicable after a liquor restriction declaration is made the applicant must cause a notice about the declaration to be displayed at the liquor restricted premises.

Penalty for this subsection: a fine of $3 000.

(2) The applicant must ensure that the notice remains on display at all times while the declaration is in force.

Penalty for this subsection: a fine of $3 000.

(3A) Subsections (1) and (2) do not apply to any person, or class of person, prescribed for the purposes of this section.

(3) The notice must —

(a) include —

(i) a statement that the premises are liquor restricted premises; and

(ii) a description or diagram of the area that is subject to the declaration in sufficient detail for it to be clearly identified; and

(iii) a copy of the declaration; and

(iv) a statement as to the effect of section 152O;

and

(b) be displayed in a conspicuous position on the premises; and

(c) be in a readily legible condition; and

(d) comply with any requirements prescribed in the regulations.

(4) If the declaration is varied under section 152U, the notice must be changed accordingly.

(5) A person must not remove, deface or otherwise interfere with a notice displayed as required by this section.

Penalty for this subsection: a fine of $3 000.

[Section 152S inserted: No. 56 of 2010 s. 26; amended: No. 35 of 2015 s. 23; No. 20 of 2025 s. 40.]

152T. Duration of liquor restriction declarations

(1) A liquor restriction declaration comes into force when it is made or at any later time specified in the declaration.

(2) A liquor restriction declaration ceases to be in force when the first of the following occurs —

(a) if the declaration was granted for a specified period — that period expires;

(b) the Director revokes the declaration;

(c) the applicant ceases to be a person who could apply for the declaration.

(3) The applicant for a declaration must give written notice to the Director if the person ceases to be a person who could apply for the declaration, unless the declaration has already ceased to be in force under subsection (2)(a) or (b).

Penalty for this subsection: a fine of $3 000.

[Section 152T inserted: No. 56 of 2010 s. 26; amended: No. 20 of 2025 s. 40.]

152U. Varying liquor restriction declarations

(1) The Director may vary a liquor restriction declaration if the Director is satisfied that varying the declaration —

(a) either —

(i) reflects the wishes of the majority of the occupiers of the premises; or

(ii) is in the public interest, despite not reflecting the wishes of the majority of the occupiers of the premises;

and

(b) is reasonable in the circumstances.

(2) Without limiting the variations that may be made under subsection (1) a declaration may be varied to do any or all of following —

(a) change the area to which the declaration relates;

(b) change the periods during which the premises is a liquor restricted premises;

(c) create or change exemptions to, or conditions on, the declaration;

(d) change the duration of the declaration.

(3) The Director may exercise a power under subsection (1) —

(a) at any time on the Director's own initiative; or

(b) on the application of —

(i) the applicant for the declaration; or

(ii) any other person who owns or occupies any part of the premises; or

(iii) the Commissioner of Police.

(4) The Director must not vary a liquor restriction declaration unless the Director is satisfied that each person who owns or occupies any part of the premises —

(a) consents to the variation being made; or

(b) has —

(i) been informed of the proposed variation; and

(ii) had a reasonable opportunity to make submissions to the Director.

(5) Section 152Q(4) and (5) apply, with any necessary modifications, to the exercise by the Director of a power under subsection (1).

[Section 152U inserted: No. 56 of 2010 s. 26.]

152V. Revoking liquor restriction declarations

(1) The Director may revoke a liquor restriction declaration if the Director is satisfied that the continuation of the declaration —

(a) does not reflect the wishes of the majority of the occupiers of the premises; or

(b) is not in the public interest; or

(c) is not reasonable in the circumstances.

(2) The Director may exercise a power under subsection (1) —

(a) at any time on the Director's own initiative; or

(b) on the application of —

(i) the applicant for the declaration; or

(ii) any other person who owns or occupies any part of the premises; or

(iii) the Commissioner of Police.

(3) The Director must not revoke a liquor restriction declaration unless the Director is satisfied that each person who owns or occupies any part of the premises —

(a) consents to the revocation being made; or

(b) has —

(i) been informed of the proposed revocation; and

(ii) had a reasonable opportunity to make submissions to the Director.

(4) Section 152Q(4) and (5) apply, with any necessary modifications, to the exercise by the Director of a power under subsection (1).

[Section 152V inserted: No. 56 of 2010 s. 26.]

152W. Applications generally

(1) In this section —

application means any application for the purposes of this Part.

(2) An application must be made to the Director in the approved form.

(3) An application must be accompanied by the prescribed fee.

(4) An applicant must provide the Director with any information or document that the Director reasonably requires.

(5) If an applicant does not comply with the requirements of this Part for the making of the application the Director —

(a) may accept the application if the Director considers it appropriate to do so; or

(b) may decline to deal with the application and, if so, must advise the applicant accordingly.

[Section 152W inserted: No. 56 of 2010 s. 26; amended: No. 20 of 2025 s. 123.]

*[**152X.** Deleted: No. 20 of 2025 s. 100.]*

Part 5C — Banned drinkers

[Heading inserted: No. 25 of 2023 s. 15.]

Division 1 — Preliminary

[Heading inserted: No. 25 of 2023 s. 15.]

152Y. Terms used

In this Part —

alcohol-related infringement notice means an infringement notice given under section 167(2) for an alleged offence against a prescribed provision of this Act;

alcohol-related offence means —

(a) an offence under any written law that has a maximum penalty that includes a term of imprisonment, if a police officer believes on reasonable grounds that the alleged offender was affected by liquor when committing the offence; or

(b) an offence against the *Road Traffic Act 1974* for which a disqualification notice can be issued under section 71C of that Act; or

(c) an offence against section 152ZB(1); or

(d) another offence under any written law that involves liquor; or

(e) an offence prescribed as an alcohol-related offence;

Example for this definition:

For the purposes of paragraph (d) — an offence of stealing liquor.

banned drinkers register means the register of banned drinkers kept under section 152ZH;

first police BDO has the meaning given in section 152YD(1);

ID system has the meaning given in section 152ZI;

police FVRO means an order made by a police officer under the *Restraining Orders Act 1997* Part 2A Division 3A;

registered, in relation to a banned drinker order, means information about the order is entered in the banned drinkers register;

second police BDO has the meaning given in section 152YD(2);

self-imposed, in relation to a banned drinker order, has the meaning given in section 152YM(3);

senior officer means a police officer who is of or above the rank of sergeant;

subsequent police BDO has the meaning given in section 152YD(3);

taken into alcohol-related protective custody, in relation to a person, means the person is apprehended and detained under the *Protective Custody Act 2000* Part 3.

[Section 152Y inserted: No. 25 of 2023 s. 15.]

152YA. Who is a banned drinker

(1) A person is a ***banned drinker*** if 1 or more of the following are in effect for the person —

(a) a banned drinker order;

(b) a barring notice;

(c) a prohibition order under Part 5A.

(2) In a provision about a banned drinker order, a reference to the banned drinker is a reference to the person who is the subject of the banned drinker order.

[Section 152YA inserted: No. 25 of 2023 s. 15.]

152YB. What is a banned drinker order

(1) A ***banned drinker order*** is an order, complying with subsection (2), that the person named in the order is prohibited from doing any of the following in a banned drinker area —

(a) purchasing packaged liquor, either on licensed premises or using a website maintained by or on behalf of a licensee;

(b) consuming liquor, other than consuming liquor on licensed premises that was purchased for consumption at the licensed premises;

(c) possessing liquor that was supplied to the person as packaged liquor, whether or not the liquor is still in the container (sealed or open) in which it was supplied.

(2) A banned drinker order must be in the approved form and state the following information —

(a) the name of the person who is subject to the order;

(b) the reason for making the order;

(c) whether the order is self-imposed, made by a police officer or made on the application of a person under Division 4;

(d) for an order made by a police officer —

(i) the name, rank and place of duty of the officer; and

(ii) the date and time the order is made;

(e) that the order takes effect when the order is registered, regardless of whether the person is given a copy of the order;

(f) the period for which the order remains in force;

(g) the consequences of a contravention of the order and a description of what constitutes a contravention;

(h) whether the person is entitled to apply for the order to be revoked and, if so, how to apply;

(i) whether the person is entitled to apply for review of the decision to make the order and, if so, how to apply.

[Section 152YB inserted: No. 25 of 2023 s. 15; amended: No. 20 of 2025 s. 123.]

152YC. When banned drinker order, or extension or revocation of banned drinker order, takes effect

(1) A banned drinker order takes effect when the order is registered.

(2) The extension of a banned drinker order takes effect when information about the extension is entered in the banned drinkers register.

(3) The revocation of a banned drinker order takes effect immediately after a decision to revoke the order is made under section 152YJ, 152YP or 152YW.

(4) Subsections (1), (2) and (3) apply regardless of whether the banned drinker is given —

(a) a copy of the banned drinker order; or

(b) notice of the extension or revocation.

[Section 152YC inserted: No. 25 of 2023 s. 15.]

Division 2 — Banned drinker orders made by police officers

[Heading inserted: No. 25 of 2023 s. 15.]

152YD. First police BDO, second police BDO and subsequent police BDO

(1) A ***first police BDO*** is a banned drinker order made by a police officer for a person —

(a) when no other banned drinker order under this Division or Division 4 is in effect for the person; and

(b) whether or not a self-imposed banned drinker order is in effect for the person.

(2) A ***second police BDO*** is a banned drinker order made by a police officer for a person when a first police BDO is in effect for the person.

(3) A ***subsequent police BDO*** is a banned drinker order made by a police officer for a person when a banned drinker order made by a police officer, other than a first police BDO, is in effect for the person.

[Section 152YD inserted: No. 25 of 2023 s. 15.]

152YE. Police officer may make banned drinker order

(1) A police officer may make a banned drinker order for a person who —

(a) is charged with an alcohol-related offence; or

(b) is named as the person bound by a police FVRO, if the police officer who makes the police FVRO believes on reasonable grounds that the person was affected by liquor at the time of engaging in the conduct to which the police FVRO relates; or

(c) if the circumstances referred to in subsection (2) exist —

(i) is taken into alcohol-related protective custody; or

(ii) is given an alcohol-related infringement notice.

(2) For the purposes of subsection (1)(c), the circumstances are that, within the previous 2 years, the person was —

(a) taken into alcohol-related protective custody at least twice; or

(b) given at least 2 alcohol-related infringement notices; or

(c) taken into alcohol-related protective custody at least once and given at least 1 alcohol-related infringement notice.

(3) A police officer who is not a senior officer must not make a banned drinker order under subsection (1) unless the officer has the approval of a senior officer to make the order.

[Section 152YE inserted: No. 25 of 2023 s. 15.]

152YF. Police officer may make second police BDO or subsequent police BDO

(1) If a police officer believes on reasonable grounds that a banned drinker has contravened a first police BDO —

(a) the officer may make a second police BDO for the banned drinker; and

(b) if the officer does so, the first police BDO stops having effect when the second police BDO takes effect.

(2) If a police officer believes on reasonable grounds that a banned drinker has contravened a second police BDO —

(a) the officer may make a subsequent police BDO for the banned drinker; and

(b) if the officer does so, the second police BDO stops having effect when the subsequent police BDO takes effect.

(3) If a police officer believes on reasonable grounds that a banned drinker has contravened a subsequent police BDO —

(a) the officer may make a further subsequent police BDO for the banned drinker; and

(b) if the officer does so, the previous subsequent police BDO stops having effect when the further subsequent police BDO takes effect.

(4) A police officer who is not a senior officer must not make a banned drinker order under subsection (1), (2) or (3) unless the officer has the approval of a senior officer to make the order.

Note for this section:

See section 152YC(1) for when a banned drinker order takes effect.

[Section 152YF inserted: No. 25 of 2023 s. 15.]

152YG. Period of banned drinker order

(1) A first police BDO remains in force for a period of 3 months.

(2) A second police BDO remains in force for a period of 6 months.

(3) A subsequent police BDO remains in force for a period of 12 months.

(4) Subsections (1), (2) and (3) apply unless a banned drinker order made by a police officer —

(a) stops having effect earlier under section 152YF or because it is revoked under section 152YJ or 152YW; or

(b) is extended under section 152YU or 152YV.

Note for this section:

See section 152YC(1) for when a banned drinker order takes effect.

[Section 152YG inserted: No. 25 of 2023 s. 15.]

152YH. Notice and registration of banned drinker order

If a police officer makes a banned drinker order for a person under section 152YE or 152YF, the Commissioner of Police must —

(a) ensure all reasonable steps are taken to give a copy of the order to the banned drinker; and

(b) ensure the order is registered.

[Section 152YH inserted: No. 25 of 2023 s. 15; amended: No. 20 of 2025 s. 19.]

152YI. Police officer may require person to give personal details

(1) In this section —

personal details, in relation to a person, has the meaning given in the *Criminal Investigation (Identifying People) Act 2002* section 16(1).

(2) This section applies if —

(a) a police officer requires all or some of a person's personal details for the purposes of making a banned drinker order for the person; or

(b) a police officer reasonably suspects that a person in a banned drinker area is a banned drinker.

(3) The police officer may ask the person to give the officer all or some of the person's personal details.

(4) If a request is made under subsection (3), the *Criminal Investigation (Identifying People) Act 2002* section 16 applies in relation to the request as if it were a request made under section 16(2) of that Act.

[Section 152YI inserted: No. 25 of 2023 s. 15.]

152YJ. Revocation of banned drinker order

(1) The Commissioner of Police may decide to revoke a banned drinker order made by a police officer —

(a) on the application of the banned drinker; or

(b) on the Commissioner's own initiative.

(2) An application referred to in subsection (1)(a) must be —

(a) in writing in a form approved by the Commissioner of Police; and

(b) made while the banned drinker order is in force.

(3) The Commissioner of Police must revoke the banned drinker order if satisfied —

(a) for a banned drinker order made under section 152YE(1)(a) —

(i) the charge was withdrawn, dismissed or not proceeded with; or

(ii) the banned drinker was found not guilty of the offence; or

(iii) the banned drinker was convicted of the offence and the court sentencing the banned drinker imposed no sentence or made a spent conviction

order (as defined in the *Sentencing Act 1995* section 4(1));

or

(b) for a banned drinker order made under section 152YE(1)(b) — that the banned drinker is no longer a person bound by a family violence restraining order (as defined in the *Restraining Orders Act 1997* section 3(1)); or

(c) the revocation is required because of an administrative error.

(3A) If the Commissioner of Police decides to revoke the banned drinker order, the Commissioner must ensure information about the revocation is entered in the banned drinkers register.

(4) If the Commissioner of Police does not decide an application referred to in subsection (1)(a) by revoking the banned drinker order under subsection (3), the Commissioner must refuse the application.

(5) A reference in subsection (3) to a banned drinker order made under section 152YE(1)(a) or (b) (the ***original order***) includes a reference to a second police BDO or subsequent police BDO made in relation to the same banned drinker that would not have been made if the original order had not been made for the banned drinker.

[Section 152YJ inserted: No. 25 of 2023 s. 15; amended: No. 20 of 2025 s. 101.]

[152YK. *Deleted: No. 20 of 2025 s. 102.]*

Division 3 — Banned drinker order made on person's request

[Heading inserted: No. 25 of 2023 s. 15.]

152YL. Person may ask for self-imposed banned drinker order

(1) A person who is not a banned drinker may ask the Director to make a banned drinker order for the person.

(2) The request —

(a) must be in writing; and

(b) may contain a request for the banned drinker order to be in force —

(i) for a period of 3, 6 or 12 months; or

(ii) indefinitely, unless the order is revoked under section 152YP.

[Section 152YL inserted: No. 25 of 2023 s. 15.]

152YM. Director must make self-imposed banned drinker order

(1) As soon as practicable after receiving a request under section 152YL, the Director must make a banned drinker order for the person who made the request if satisfied —

(a) about the person's identity; and

(b) that the person is not already a banned drinker; and

(c) that the person agrees to be subject to the banned drinker order.

(2) Otherwise, the Director must refuse the request.

(3) A banned drinker order made for a person under this section is a ***self-imposed*** order.

[Section 152YM inserted: No. 25 of 2023 s. 15.]

152YN. Period of self-imposed banned drinker order

(1) In making a banned drinker order for a person under section 152YM, the Director must —

(a) if the person made a request about the period of the order under section 152YL(2)(b), consider the request; and

(b) decide whether the order will be in force —

(i) for a period of 3, 6 or 12 months; or

(ii) if requested by the person — indefinitely, unless it is revoked under section 152YP;

and

(c) specify the period in the order.

(2) Subject to subsection (3), the banned drinker order remains in force for the period specified in the order (including indefinitely) unless it is revoked earlier under section 152YP.

Note for this subsection:

See section 152YC(1) for when a banned drinker order takes effect.

(3) A self-imposed banned drinker order made for a person —

(a) has no effect while a banned drinker order made by a police officer or by the Director under Division 4 is in effect for the person; and

(b) resumes having effect if, when the person is no longer the subject of a banned drinker order made by a police officer or the Director under Division 4, the period of the self-imposed order has not ended.

[Section 152YN inserted: No. 25 of 2023 s. 15.]

152YO. Notice of decision and registration of self-imposed banned drinker order

(1) If the Director makes a banned drinker order for a person under section 152YM(1), the Director must —

(a) give a copy of the order to the person; and

(b) register the order.

(2) If the Director decides to refuse a person's request to make a banned drinker order for the person under section 152YM(2), the Director must give the person written notice of the decision.

[(3) deleted]

[Section 152YO inserted: No. 25 of 2023 s. 15; amended: No. 20 of 2025 s. 103.]

152YP. Revocation of self-imposed banned drinker order

(1) A person who is subject to a self-imposed banned drinker order may ask the Director to revoke the order.

(2) The request must be in writing.

(3) As soon as practicable after the request is made, the Director must —

(a) revoke the banned drinker order; and

(b) ensure all reasonable steps are taken to give the person written notice that the order is revoked; and

(c) ensure information about the revocation is entered in the banned drinkers register.

Note for this subsection:

See section 152YC(3) for when the revocation of a banned drinker order takes effect.

[Section 152YP inserted: No. 25 of 2023 s. 15; amended: No. 20 of 2025 s. 21.]

Division 4 — Banned drinker order made on application of certain professionals

[Heading inserted: No. 25 of 2023 s. 15.]

152YQ. Application for banned drinker order

(1) In this section —

medical practitioner means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

social worker means a person who is a member, or is eligible for membership, of the Australian Association of Social Workers Limited ACN 008 576 010.

(2) Any of the following persons may apply to the Director to make a banned drinker order for a person —

(a) a medical practitioner;

(b) a social worker;

(c) another person prescribed as a person who can make an application under this section.

(3) The application —

(a) must be in writing in the approved form; and

(b) must contain information to demonstrate that —

(i) the person the subject of the application is misusing or has misused liquor; and

(ii) the person's misuse of liquor is a serious risk to the health, safety or wellbeing of the person or another person;

and

(c) may contain a request for the banned drinker order to be in force for a period of 3, 6 or 12 months.

[Section 152YQ inserted: No. 25 of 2023 s. 15; amended: No. 20 of 2025 s. 123.]

152YR. Director may make banned drinker order

(1) This section applies if the Director receives an application for a banned drinker order for a person under section 152YQ.

(2) The Director may make the banned drinker order for the person if satisfied —

(a) about the person's identity; and

(b) the person is misusing or has misused liquor; and

(c) that the person's misuse of liquor is a serious risk to the health, safety or wellbeing of the person or another person; and

(d) it is in the public interest to make the order.

(3) Otherwise, the Director must decide to refuse the application.

[Section 152YR inserted: No. 25 of 2023 s. 15.]

152YS. Period of banned drinker order

(1) In making a banned drinker order under section 152YR(2), the Director must —

(a) if the applicant made a request about the period of the order under section 152YQ(3)(c), consider the request; and

(b) decide whether the order will be in force for a period of 3, 6 or 12 months; and

(c) specify the period in the order.

(2) The banned drinker order remains in force for the period specified in the order unless it is —

(a) extended under section 152YU or 152YV; or

(b) revoked earlier under section 152YW.

[Section 152YS inserted: No. 25 of 2023 s. 15.]

152YT. Copy and registration of banned drinker order

(1) This section applies if, under section 152YR, the Director decides an application for a banned drinker order.

(2) If the Director decides to make a banned drinker order, the Director must —

[(a) deleted]

(b) ensure all reasonable steps are taken to give the banned drinker a copy of the order; and

(c) register the order.

[(3)-(6) deleted]

[Section 152YT inserted: No. 25 of 2023 s. 15; amended: No. 20 of 2025 s. 104.]

152YU. Director may extend banned drinker order

(1) The Director may decide to extend a banned drinker order made under section 152YR(2) —

(a) on the application of a person referred to in section 152YQ(2); or

(b) on the Director's own initiative.

(2) An application referred to in subsection (1)(a) must be —

(a) in writing in the approved form; and

(b) made while the banned drinker order is in force.

(3) The Director may extend the banned drinker order if the Director believes on reasonable grounds that —

(a) the banned drinker has contravened the order; or

(b) grounds under this Division for making a banned drinker order for the banned drinker exist.

Note for this subsection:

For the purposes of paragraph (b) — see section 152YR(2) for the grounds on which a banned drinker order may be made under this Division.

(4) A banned drinker order can only be extended under subsection (3) as follows —

(a) a banned drinker order made for a period of 3 months can be extended to a period of 6 months;

(b) a banned drinker order made for, or extended to, a period of 6 months can be extended to a period of 12 months;

(c) a banned drinker order made for a period of 12 months, or extended to a period of 12 months or more, can be extended for a further period of up to 12 months.

(5) If the Director decides to extend the banned drinker order, the Director must ensure information about the extension is entered in the banned drinkers register.

[(6)-(9) deleted]

[Section 152YU inserted: No. 25 of 2023 s. 15; amended: No. 20 of 2025 s. 105 and 123.]

152YV. Police officer may extend banned drinker order

(1) A police officer may extend a banned drinker order made under section 152YR(2) if any of the following happen —

(a) the officer believes on reasonable grounds that the banned drinker contravened the order;

(b) the banned drinker is charged with an alcohol-related offence;

(c) the banned drinker is named as the person bound by a police FVRO, if the police officer who makes the police

FVRO believes on reasonable grounds that the banned drinker was affected by liquor at the time of engaging in the conduct to which the police FVRO relates;

(d) the banned drinker is taken into alcohol-related protective custody;

(e) the banned drinker is given an alcohol-related infringement notice.

(2) The banned drinker order can only be extended as follows —

(a) a banned drinker order made for a period of 3 months can be extended to a period of 6 months;

(b) a banned drinker order made for, or extended to, a period of 6 months can be extended to a period of 12 months;

(c) a banned drinker order made for a period of 12 months, or extended to a period of 12 months or more, can be extended for a further period of up to 12 months.

(3) A police officer who is not a senior officer must not extend a banned drinker order under subsection (1) unless the officer has the approval of a senior officer to extend the order.

(4) If a police officer decides to extend the banned drinker order, the Commissioner of Police must ensure information about the extension is entered in the banned drinkers register.

[(5)-(7) deleted]

[Section 152YV inserted: No. 25 of 2023 s. 15; amended: No. 20 of 2025 s. 106.]

152YW. Revocation of banned drinker order

(1) The Director may decide to revoke a banned drinker order made under section 152YR(2) —

(a) on the application of the banned drinker; or

(b) on the Director's own initiative.

(2) An application referred to in subsection (1)(a) must be —

(a) in writing in the approved form; and

(b) made while the banned drinker order is in force.

(3) The Director must revoke the banned drinker order if satisfied —

(a) the grounds for making the order under section 152YR(2) no longer exist; or

(b) for a banned drinker order extended under section 152YV(1)(b) —

(i) the charge was withdrawn, dismissed or not proceeded with; or

(ii) the banned drinker was found not guilty of the offence; or

(iii) the banned drinker was convicted of the offence and the court sentencing the banned drinker imposed no sentence or made a spent conviction order (as defined in the *Sentencing Act 1995* section 4(1));

or

(c) for a banned drinker order extended under section 152YV(1)(c) — the banned drinker is no longer a person bound by a family violence restraining order (as defined in the *Restraining Orders Act 1997* section 3(1)); or

(d) the revocation is required because of an administrative error.

(4) The Director may revoke a banned drinker order if satisfied that the banned drinker has participated in and completed a therapeutic support program.

(4A) If the Director decides to revoke the banned drinker order, the Director must ensure information about the revocation is entered in the banned drinkers register.

(5) If the Director does not decide an application referred to in subsection (1)(a) by revoking the banned drinker order under subsection (3) or (4), the Director must refuse the application.

(6) A reference in subsection (3) to a banned drinker order extended under section 152YV(1)(b) or (c) (the ***original order***) includes a reference to a second police BDO or subsequent police BDO made in relation to the same banned drinker that would not have been made if the original order had not been made for the banned drinker.

(7) This section applies in addition to, and does not limit, sections 152YJ and 152YP.

[Section 152YW inserted: No. 25 of 2023 s. 15; amended: No. 20 of 2025 s. 107 and 123.]

*[**152YX.** Deleted: No. 20 of 2025 s. 108.]*

[Division 5 (s. 152YY, 152YZ) deleted: No. 20 of 2025 s. 109.]

Division 6 — Offences

[Heading inserted: No. 25 of 2023 s. 15.]

152Z. When packaged liquor is sold, or authorised by licence to be sold, in banned drinker area

For the purposes of this Division and Division 7, packaged liquor is sold, or authorised by a licence to be sold, in a banned drinker area if the packaged liquor is sold or authorised to be sold —

(a) from licensed premises in the banned drinker area for consumption off the licensed premises; or

(b) to be consigned from licensed premises, whether or not the licensed premises are in the banned drinker area, for delivery to a purchaser in a banned drinker area.

[Section 152Z inserted: No. 25 of 2023 s. 15.]

152ZA. Offence of knowingly selling packaged liquor to banned drinker

(1) This section applies if a licence for licensed premises authorises the sale of packaged liquor in a banned drinker area.

(2) A responsible person in relation to the licensed premises must not sell packaged liquor to a person who the responsible person knows, or ought reasonably to know, is a banned drinker.

Penalty for this subsection: a fine of $10 000.

(3) It is a defence to a charge of an offence against subsection (2) for the accused person to prove that —

(a) the person used the ID system in relation to the sale of the packaged liquor to the banned drinker and the ID system did not identify the person as a banned drinker; or

(b) the ID system did not operate properly or was not otherwise able to be used.

[Section 152ZA inserted: No. 25 of 2023 s. 15.]

152ZB. Offence of supplying packaged liquor to banned drinker

(1) A person who supplies packaged liquor to a banned drinker in a banned drinker area commits an offence.

Penalty for this subsection: a fine of $10 000.

(2) It is a defence to a charge of an offence against subsection (1) for the accused person to prove that —

(a) the person is a responsible person in relation to the licensed premises from which the liquor was supplied; and

(b) either of the following apply —

(i) the person used the ID system in relation to the supply of the packaged liquor and the ID system

did not identify the person as a banned drinker; or

(ii) the ID system did not operate properly or was not otherwise able to be used.

(3) It is also a defence to a charge of an offence against subsection (1) for an accused person, other than a person referred to in subsection (2)(a), to prove that the person did not know, and could not reasonably be expected to know, the person was a banned drinker.

[Section 152ZB inserted: No. 25 of 2023 s. 15.]

Division 7 — Disclosure and use of information

[Heading inserted: No. 25 of 2023 s. 15.]

152ZC. Disclosure of information about banned drinker order or banned drinker

(1) A person who applies to the Director for a banned drinker order for a person, or to extend a banned drinker order for a person, under Division 4 may give the Director information about the person who is the subject of the application or order.

(2) A police officer or the Director may give information about a banned drinker order, and the banned drinker who is the subject of the order, to —

(a) a public service officer who is acting under a written law in relation to the banned drinker; or

(b) a responsible person in relation to licensed premises; or

(c) a legal representative of the banned drinker; or

(d) a prescribed person in relation to the banned drinker; or

(e) a prescribed person, or a person belonging to a prescribed class of persons, engaged in the creation or provision of equipment, software, databases, or any other thing to be used in connection with the keeping of the banned drinkers register.

(3) A police officer or the Director may give information under subsection (2) only if —

(a) the police officer or Director mentions the banned drinker order when giving the information; and

(b) the police officer or Director believes on reasonable grounds that the information —

(i) will assist the recipient of the information to provide a service to, or perform a function relating to, the banned drinker; or

(ii) will ensure the effective and efficient enforcement of the banned drinker order; or

(iii) is required for a purpose related to the administration or enforcement of this Act or another written law.

[Section 152ZC inserted: No. 25 of 2023 s. 15; amended: No. 20 of 2025 s. 22.]

152ZD. Restriction on use or disclosure of information

(1) A person who is given information under section 152ZC(1) or (2) must not use or disclose the information for a purpose other than the purpose for which it was given.

Penalty for this subsection: a fine of $10 000.

(2) However, the person may disclose the information —

(a) in a statistical form that does not identify the person to whom the information relates; or

(b) if authorised or required by another provision of this Act or another written law; or

(c) with the consent of the person to whom the information relates.

[Section 152ZD inserted: No. 25 of 2023 s. 15.]

152ZE. Protection for disclosure in good faith

(1) Information may be disclosed under this Division despite any written law relating to confidentiality or secrecy.

(2) If information is disclosed under this Division in good faith —

(a) no civil or criminal liability is incurred in respect of the disclosure; and

(b) the disclosure is not to be regarded as a breach of a duty of confidentiality or secrecy imposed by law; and

(c) the disclosure is not to be regarded as a breach of professional ethics or standards or as unprofessional conduct.

[Section 152ZE inserted: No. 25 of 2023 s. 15.]

Division 8 — Miscellaneous

[Heading inserted: No. 25 of 2023 s. 15.]

152ZF. Condition relating to sale of packaged liquor in banned drinker areas

(1) In this section —

approved form of identification means a form of identification referred to in section 152ZI(4).

(2) A licence for licensed premises that authorises the sale of packaged liquor in a banned drinker area is subject to the following conditions —

(a) a responsible person in relation to the licensed premises must not sell packaged liquor to a person (the ***purchaser***) unless the responsible person uses the ID system in the way stated in subsection (3) to check whether the purchaser is a banned drinker;

(b) a responsible person in relation to the licensed premises must not sell packaged liquor to a banned drinker.

(3) A responsible person uses the ID system to check whether a purchaser is a banned drinker if —

(a) the purchaser provides either —

(i) an approved form of identification; or

(ii) in the case of a purchase not made in person — details of an approved form of identification;

and

(b) the responsible person uses the ID system to check the purchaser's identification or identification details; and

(c) the ID system indicates whether or not the purchaser is a banned drinker.

(4) The Director must ensure that the licensee of the licence is provided with a way to access and use the ID system.

(5) Subsection (2) does not apply if —

(a) the Director has not provided the licensee with a way to access and use the ID system; or

(b) the ID system does not operate properly or is not otherwise able to be used.

[Section 152ZF inserted: No. 25 of 2023 s. 15.]

152ZG. Banned drinker order or written notice may be given electronically

(1) This section applies if, under this Part, a copy of a banned drinker order or a written notice must or may be given to a person (the ***recipient***).

(2) With the recipient's consent, the copy or notice may be given to the recipient electronically to an electronic address provided by the recipient.

[Section 152ZG inserted: No. 25 of 2023 s. 15.]

152ZH. Director must keep banned drinkers register

(1) The Director must keep a register of banned drinkers.

(2) The register must include the following information about a banned drinker —

(a) the banned drinker's name;

(b) whether the banned drinker is the subject of —

(i) a banned drinker order; or

(ii) a barring notice; or

(iii) a prohibition order under Part 5A;

(c) the period for which the order or notice referred to in paragraph (b) is in force;

(d) other information about the order or notice, including, for example —

(i) for a banned drinker order, whether the banned drinker order is self-imposed, made by a police officer, or made on the application of another person; and

(ii) for a banned drinker order made by a police officer, whether it is a first police BDO, second police BDO or subsequent police BDO.

[Section 152ZH inserted: No. 25 of 2023 s. 15.]

152ZI. Director must establish ID system

(1) The Director must establish a system (an ***ID system***) for checking whether a person is a banned drinker in relation to the sale of packaged liquor from licensed premises.

(2) The ID system must be designed to —

(a) enable a responsible person in relation to licensed premises to check whether a person is a banned drinker before selling packaged liquor to the person; and

(b) for the purposes of carrying out the check, access information stored in the banned drinkers register or a copy of the information; and

(c) for the purposes of carrying out the check, verify the person's identity using —

(i) an approved form of identification presented by the person; or

(ii) in the case of a sale not made in person — details of an approved form of identification provided by the person.

(3) The ID system may provide for different ways to check whether a person is a banned drinker, including, for example, the following ways —

(a) using a device that scans approved forms of identification;

(b) using a secure webpage referred to in section 115AC (in relation to banned drinkers who are persons given barring notices) or 152K (in relation to banned drinkers who are subject to prohibition orders).

(4) Only the following forms of identification are approved for the ID system —

(a) a current Australian driver's licence with a photograph;

(b) a current passport;

(c) a photo card, as defined in the *Western Australian Photo Card Act 2014* section 3, that is current;

(d) another form of identification approved by the Director.

[Section 152ZI inserted: No. 25 of 2023 s. 15; amended: No. 20 of 2025 s. 23.]

152ZJ. Offence to use or disclose information obtained from banned drinkers register or using ID system

(1) A person must not use or disclose information, including a photograph, that the person obtains from the banned drinkers register or by using the ID system.

Penalty for this subsection: a fine of $10 000.

(2) Subsection (1) does not apply if the use or disclosure is permitted under Division 7.

(3) A responsible person in relation to licensed premises does not commit an offence under subsection (1) if the person —

(a) uses or discloses the information in performing duties relating to the person's work on the licensed premises; or

(b) discloses the information to another responsible person in relation to the licensed premises for the purpose of enabling the other responsible person to perform duties relating to that person's work on the licensed premises.

[Section 152ZJ inserted: No. 25 of 2023 s. 15.]

152ZK. Delegation by Commissioner of Police

(1) The Commissioner of Police may delegate a function of the Commissioner under this Part to a police officer of or above the rank of Inspector.

(2) The delegation must be in writing signed by the Commissioner of Police.

(3) A person to whom a function is delegated under this section cannot delegate the function.

(4) A person performing a function delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.

(5) Nothing in this section limits the ability of the Commissioner of Police to perform a function through an agent or officer.

[Section 152ZK inserted: No. 25 of 2023 s. 15; amended: No. 20 of 2025 s. 67.]

Part 6 — Enforcement

153. Examination and reporting by authorised officers

(1) An inspector, or a designated authorised officer, may examine, and must report on, any matter affecting the administration of this Act upon which the Director requires a report and, in particular —

(a) shall report to the Director on the extent and standard of services provided in licensed premises; and

(b) shall report to the Director on the nature and extent of premises proposed to be licensed and on plans for proposed new licensed premises or for extensions or alterations to, the rebuilding and reinstatement of, or the change in use of any part or parts of, existing licensed premises; and

(c) must appear before, and assist, the Director if so required by the Director.

(2) If an inspector or a designated authorised officer makes a report with respect to any particular licensed premises or premises proposed to be licensed, including any report as to the extent or standard of services provided on the premises, the Director shall —

(a) cause a copy of such part of the report as the Director adopts to be sent to the owner of the premises or agent of the owner (if known) and, where the owner is not the licensee or proposed licensee, to or to the agent of the licensee or proposed licensee, as the case may require; and

(b) make such part of the report as the Director adopts available for inspection, on request, by the local government or by any person who has made an objection to the granting of a licence in respect of those premises.

(3) In this section ***licensed premises*** includes premises in respect of which an application has been made under this Act.

[Section 153 amended: No. 14 of 1996 s. 4; No. 73 of 2006 s. 106; No. 20 of 2025 s. 67, 110 and 124(1).]

154. Powers of authorised officers

(1) An authorised officer may, at any reasonable time, and in the case of an inspector or a designated authorised officer on production of their identity card —

(a) enter and inspect —

(i) licensed premises; or

(ii) regulated premises; or

(iii) liquor restricted premises (as defined in section 152N);

and

[(b) deleted]

(c) examine each room and part of the premises; and

(d) take an account of any or all liquor that is on the premises; and

(e) demand, select, obtain and carry away any sample of that liquor, subject to —

(i) the sample being sealed in the presence of the licensee or person in charge of the premises and, if the licensee or that person so requires, by the licensee or that person; or

(ii) reasonable payment being made or tendered for the sample;

and

(f) require the licensee or a manager of the premises to provide any information or assistance reasonably required by the authorised officer relating to any matter within the duties of the licensee or manager; and

(g) require any person having possession of records relevant to a business conducted under a licence, or to transactions involving the sale or purchase of liquor, to produce those records for inspection; and

(h) require any person who is in a position to provide information relating to the sale, purchase or supply of liquor to answer any question put to that person by the authorised officer on that subject.

(2) An authorised officer may —

(a) examine records produced under this section; and

(b) seize or make copies of, or take extracts from, any such records; and

(c) retain the records for such reasonable period as may be necessary for the purposes of this Act.

(3) A person who —

(a) hinders an authorised officer in the exercise of powers conferred by this Act; or

(b) fails, without reasonable excuse, to comply with a requirement of an authorised officer, under this Act; or

(c) fails, without reasonable excuse, to answer, to the best of his or her knowledge, information and belief, a question put to him or her by an authorised officer; or

(d) impersonates an authorised officer,

commits an offence.

Penalty for this subsection: a fine of $15 000.

(4) In this section ***licensed premises*** includes any premises used by a licensee in connection with the business carried on under the licence.

(5) A person may decline to answer a question if the answer would tend to incriminate that person of an offence.

[(6) deleted]

(7) The powers conferred by this section may be exercised also in relation to transactions which occurred before the coming into operation of this section.

(8) The regulations may define duties for inspectors or other authorised officers and may prescribe the modes, times and conditions of the performance of those duties.

(9) The Director, subject to the consent of the Commissioner of Police may delegate to a police officer of or above the rank of sergeant, or a police officer in charge of a police station, in a prescribed place other than the metropolitan area, any of the functions of an inspector under this Act.

[Section 154 amended: No. 56 of 1997 s. 47; No. 12 of 1998 s. 97(1) and (3); No. 73 of 2006 s. 110; No. 56 of 2010 s. 25 and 69; No. 25 of 2023 s. 21(1); No. 20 of 2025 s. 24, 40, 58, 67, and 111.]

155. Police powers

(1) The Commissioner of Police shall issue all such orders, and give all such directions, to members of the Police Force as may, in the opinion of the Commissioner, be necessary to —

(a) prevent any sale, supply or consumption of liquor that contravenes this Act; and

(b) ensure the proper and lawful exercise of any licence granted or permit issued under this Act; and

(c) ensure the lawful and orderly conduct of licensed premises and of unlicensed premises on which liquor may be publicly consumed and ensure the good behaviour of persons present on those premises; and

(d) provide for the making of such reports to, and the bringing of such applications, complaints and objections before, the Director as may be necessary or required for the proper administration of this Act.

(2) Nothing in this section shall be read or construed as limiting any power or authority conferred on a police officer by any other Act or law.

(3) Where a police officer suspects on reasonable grounds that on any premises, whether or not licensed premises —

(a) liquor is being sold, supplied, consumed or stored unlawfully, or an offence against this Act is otherwise being committed; or

(b) that there is on licensed or other premises evidence of an offence against this Act,

that police officer may, without warrant other than this subsection, enter and search the premises, using such force as may be reasonably necessary for the purpose.

(4) A police officer may seize any liquor, including any container or packaging, suspected on reasonable grounds of having been illegally sold, supplied, consumed or stored, or to be in the possession of a person unlawfully or for an unlawful purpose, and which may be required as evidence for the purpose of proceedings in respect of an offence under this Act or be liable to forfeiture under this Act.

(5) Subject to section 161, sections 146 to 150 of the *Criminal Investigation Act 2006*, with any necessary changes, apply to and in respect of seizing a thing that is or may be seized under this Act.

(5A) If a person is contravening section 109A(2) a police officer may, subject to subsection (5B), seize an opened or unopened container of liquor involved in the contravention.

(5B) The total quantity of a kind of liquor in any containers seized under subsection (5A) must not exceed the seizable quantity for that kind of liquor.

(5C) In subsection (5B) —

seizable quantity, for a kind of liquor, means the quantity representing the difference between the total quantity of that kind of liquor involved in the contravention and the quantity prescribed for that kind of liquor under section 109A(2).

(6) If a person is contravening section 110(4A) a police officer may seize an opened or unopened container of liquor involved in the contravention.

(7) If a person is contravening section 119 a police officer may seize a container of liquor in the person's possession if —

(a) the container is opened; or

(b) the container is unopened and either —

(i) the person is consuming liquor during a period, and in an area, specified in a special event notice under section 126E; or

(ii) the police officer suspects on reasonable grounds that the person has caused, is causing or is likely to cause, undue offence, annoyance, disturbance or inconvenience to other persons in the vicinity.

(8) If a person is contravening section 152O(1) a police officer may seize an opened or unopened container of liquor involved in the contravention.

(8A) In a banned drinker area, a police officer may seize from a person who is a banned drinker —

(a) if the person is on licensed premises — liquor that the person purchased as packaged liquor; or

(b) otherwise — an opened or unopened container of liquor in the person's possession.

(9A) If a police officer suspects on reasonable grounds that a juvenile is contravening a provision of this Act, the officer may seize any opened or unopened container that the officer suspects on reasonable grounds relates to that contravention.

(9) Despite subsection (5), a police officer who seizes a container of liquor under subsection (5A), (6), (7), (8), (8A) or (9A) must dispose of it as soon as is practicable after it is seized.

[Section 155 amended: No. 70 of 2004 s. 82; No. 59 of 2006 s. 55; No. 73 of 2006 s. 98 and 109; No. 56 of 2010 s. 65; No. 35 of 2015 s. 24; No. 9 of 2018 s. 62; No. 25 of 2023 s. 16 and 21; No. 20 of 2025 s. 124(1).]

156. Functions of local governments

(1) A local government has, in relation to licensed premises in its district, the same functions conferred or imposed on it by any other written law in relation to unlicensed premises.

(2) Where the holder of a licence under this Act or any employee or agent of such a person is convicted of an offence on a prosecution commenced by an officer of the local government, the local government shall report that event and the nature of the offence to the Director.

(3) A local government is required to afford the Director such assistance, by way of the examination of, and reporting on, licensed premises, as the Director may reasonably require.

[Section 156 amended: No. 14 of 1996 s. 4; No. 84 of 2004 s. 80; No. 20 of 2025 s. 65 and 124(1).]

157. Evasion of licence fees or other money: offence

Any person who, by default or neglect, evades or attempts to evade payment of any licence fee or other money under this Act, commits an offence.

Penalty: a fine of $25 000 and treble the amount of any licence fee or other money attempted to be evaded.

[Section 157 amended: No. 12 of 1998 s. 87; No. 84 of 2004 s. 80; No. 56 of 2010 s. 69; No. 20 of 2025 s. 40.]

158. Failure to comply with Director's requirements: offence

(1) A person who —

(a) fails duly to lodge a return with, or to provide any information to or to comply with any requirement of, the Director as and when required under this Act; or

(b) without just cause shown fails duly to attend and give evidence when required by the Director or to answer truly and fully any questions put, or to produce any records required by the Director,

commits an offence.

Penalty for this subsection: a fine of $15 000.

(2) Any person who, after conviction for an offence against subsection (1), continues to fail to comply with the requirements in respect of which the person was convicted, commits an offence and is punishable as provided in section 157.

(3) Where an offence against this section arises under subsection (1)(a) by reason of the failure of a person to do anything within a particular period, the offence is, for the purposes of subsection (2), taken to continue for as long as the thing remains undone, even if that period has elapsed.

[Section 158 amended: No. 73 of 2006 s. 110; No. 56 of 2010 s. 69; No. 20 of 2025 s. 40, 67 and 124(1).]

159. False or misleading statements or records: offence

(1) A person who in, or in relation to, any —

(a) application or matter to be determined by the Director; or

(aa) objection to an application; or

(b) return or other record required, kept, provided or produced under or for the purposes of this Act,

makes a statement that is false or misleading by reason of the inclusion in the statement of false or misleading matter or of the omission from the statement of any matter that is required or may be material, commits an offence.

Penalty for this subsection: a fine of $15 000.

(2) It is a defence to a prosecution of a person for an offence under subsection (1) if the person proves that when the statement was made the person —

(a) believed on reasonable grounds that the false matter was true;

(b) believed on reasonable grounds that the misleading matter was not misleading;

(c) in the case of an omission, believed on reasonable grounds —

(i) that no material had been omitted, being material matter the omission of which would make the statement false or misleading; or

(ii) that the omitted matter was not material.

(3) A person who, with intent to falsify or destroy the record, by act or omission alters or destroys any record required to be kept, provided or produced under this Act commits an offence.

Penalty for this subsection: a fine of $15 000.

[Section 159 amended: No. 73 of 2006 s. 110; No. 56 of 2010 s. 69; No. 25 of 2023 s. 21(2); No. 20 of 2025 s. 40, 112 and 124(1).]

160. Power to obtain information

(1) Where any person is found on, or is seen leaving, any licensed premises at a time other than during permitted hours, or an authorised officer has reasonable cause to suspect that any person is committing or is attempting to commit any offence

against this Act, the authorised officer may require particulars of —

(a) the name and address of that person or of any witness to an offence, or a suspected offence, against this Act; and

(b) the age of that person, where that person's age is or may be material to the suspected offence.

(2) If the authorised officer has reasonable ground to suppose that any particulars supplied are false, the authorised officer may require the person to supply satisfactory evidence of those particulars.

(3) If any person, without reasonable excuse, refuses or fails to supply any particulars or evidence when required to do so by any authorised officer under this section, and persists in the refusal or failure, that person may be arrested, without warrant, by any police officer.

(4) A person who, having been required by any authorised officer to supply any particulars or evidence under this section, without reasonable excuse —

(a) refuses or fails to supply the particulars or evidence; or

(b) supplies any particulars or evidence knowing that the particulars or evidence are false or misleading in any material respect,

commits an offence.

Penalty for this subsection: a fine of $7 000.

[Section 160 amended: No. 12 of 1998 s. 88; No. 73 of 2006 s. 110; No. 56 of 2010 s. 69; No. 35 of 2015 s. 25; No. 25 of 2023 s. 21(1); No. 20 of 2025 s. 40.]

161. Search warrants

(1) If a justice is satisfied, upon an application supported by evidence on oath, that there is reason to suspect that liquor is kept on any premises for purposes contravening section 109,

110 or 111 the justice may, by warrant in the prescribed form, empower any authorised officer, and any other person requested by that authorised officer to assist, to —

(a) enter those premises; and

(b) use such force as may be reasonably necessary for entry or for breaking open any receptacle or other thing on the premises; and

(c) search for and seize any liquor, or any containers or packaging believed to contain any liquor, or any vessels used or believed to be used for the consumption of any liquor, or any records or other article, found on the premises and believed on reasonable grounds to have been involved in the commission of any offence specified in the warrant or any other offence against this Act; and

[(d) deleted]

(e) to deliver any records taken into the possession of the Director or a person authorised by the Director to receive them.

(2) An authorised officer who executes a search warrant shall carry the warrant with him or her, and shall produce it for inspection —

(a) on first entering the premises, to the person appearing to be in charge of the premises; and

(b) whenever subsequently required to do so on the premises by any other person appearing to be in charge of the premises or any part of the premises.

(3) A search warrant —

(a) may be directed to an authorised officer by name or to every authorised officer, but in either case may be executed by any police officer; and

(b) may be made subject to conditions imposed by the justice when issuing the warrant; and

(c) shall have effect for 14 days or, if a particular purpose is specified in the warrant, until the purpose is satisfied.

(4) Where the occupier of the premises is not present at the time the search warrant is executed, the authorised officer shall leave in a prominent place on the premises a written statement of the time and date of the search, and of that person's name and the address to which enquiries should be made.

(5) Where any thing is seized in execution of a search warrant, the authorised officer executing the warrant shall leave in a prominent place on the premises, or send to the occupier within 10 days after the date of the search, a written inventory of all of the things that were seized.

(6) If, under this section, a person takes possession of or secures against interference any records, that person or any person into whose possession they were delivered under subsection (1)(e) —

(a) may make copies of or take extracts from the records; and

(b) may retain possession of the records for such period as is necessary to enable them to be inspected, and copies to be made of or extracts to be taken from them, by or on behalf of the Director; and

(c) during that period must permit a person who would be entitled to inspect any one or more of those records, if they were not in the possession of the Director or a person authorised by the Director, to inspect at all reasonable times such of those records as that person would otherwise be entitled to inspect.

(7) A person who hinders or obstructs a person executing a warrant under this section commits an offence.

Penalty for this subsection: a fine of $15 000.

[Section 161 amended: No. 56 of 1997 s. 48; No. 84 of 2004 s. 80; No. 73 of 2006 s. 109 and 110; No. 56 of 2010 s. 69; No. 25 of 2023 s. 21(1); No. 20 of 2025 s. 40 and 59.]

162. Separate offences and continuing offences

(1) In any proceedings for an offence against this Act, every separate sale or supplying of liquor constitutes a separate offence.

(2) The conviction or acquittal of a person of a charge of an offence under this Act shall not prevent a further prosecution and conviction in respect of a continuation of that offence after the date on which the person was convicted or acquitted.

[Section 162 amended: No. 84 of 2004 s. 80.]

163. Presumption of sale of liquor

(1) Where liquor is supplied to a person who —

(a) has paid for admission to the premises where the liquor is supplied or for seating in the premises; or

(b) has made, or been asked to make, a donation of money, by a collection or otherwise; or

(c) is present in an unlicensed restaurant,

the liquor is, in the absence of proof to the contrary, taken to have been sold to the person to whom it was so supplied.

(2) A person who, being a dealer in goods other than liquor, gives away or delivers any liquor to a customer for other goods, or under pretence of a person being a customer for other goods, or under any pretence whatever, is taken to have sold the liquor given away or delivered.

[Section 163 amended: No. 20 of 2025 s. 67.]

164. Offences by bodies corporate and partnerships

(1) Where an offence under this Act is found to have been committed by a body corporate, then —

[(a) deleted]

(b) if the offence was committed in respect of licensed premises, any manager who was supervising and managing the premises at the time the offence was committed is also taken to have committed an offence unless it is proved that —

(i) such direction had been given; and

(ii) such supervision had been exercised or caused to be exercised,

by that manager as were reasonably necessary to ensure that an offence against this Act would not be committed,

and the manager shall be liable to the same penalty as is prescribed for the principal offence.

(1a) Where the ground upon which a complaint under section 95 is made out and the Tribunal imposes, or is empowered to impose, a penalty on a licensee who is a body corporate, then —

(a) if the grounds upon which the complaint was made are found —

(i) to have occurred with the consent or connivance of; or

(ii) to be attributable to any failure to take all reasonable steps to secure compliance by the body corporate with this Act on the part of,

any officer or other person concerned in the management of the body corporate, or any person purporting to act in any such capacity, then the Tribunal may impose a penalty under section 96 on that person as well as a penalty on the body corporate; and

(b) the Tribunal may impose a penalty under section 96 on any manager who was supervising and managing the premises at the time the grounds upon which the complaint was made occurred, as well as on the licensee, unless it is proved that —

(i) such direction had been given; and

(ii) such supervision had been exercised or caused to be exercised,

by that manager as were reasonably necessary to ensure that the grounds upon which the complaint was made would not occur.

(2) In this section ***officer***, in relation to a body corporate, includes a person who is an officer of the body corporate within the meaning of the *Corporations Act 2001* of the Commonwealth.

(3) Where the affairs of a body corporate are managed by its members, subsections (1) and (1a) apply in relation to the acts and defaults of a member in connection with functions of management as if the member were a director of the body corporate.

(4) Where this Act provides that a licensee commits an offence, or that a proper cause for disciplinary action under section 96 is made out in respect of a licensee, in specified circumstances —

(a) the reference to the licensee shall be construed as a reference to each person who holds the licence; and

(b) if that licence is held by a person who is a member of a partnership which is directly or indirectly interested in the business conducted under that licence, or the profits or proceeds of the business, each member of the partnership is liable for the offence, or to have disciplinary action taken against him or her.

(5) A person referred to in this section may, on the request of the complainant or prosecutor be dealt with in the same proceedings as the body corporate is dealt with if the court is satisfied that

the person had reasonable notice that the complainant or prosecutor intended to make that request.

[Section 164 amended: No. 12 of 1998 s. 89; No. 10 of 2001 s. 220; No. 84 of 2004 s. 80; No. 73 of 2006 s. 106; No. 56 of 2010 s. 20; No. 9 of 2023 s. 93; No. 20 of 2025 s. 67 and 122.]

164A. Liability of officers for offence by body corporate

The Criminal Code section 39 (which provides for the criminal liability of officers of a body corporate) applies to an offence under a provision of this Act listed in the Table.

Table

s. 37A	s. 77(1)
s. 100(2), (2a) and (8)	s. 101(3)
s. 102(1)	s. 104(1)
s. 106(1) and (3)	s. 109(4A)
s. 110(1), (2), (3) and (7)	s. 115(1) and (2)
s. 117(7)	s. 119A(5)
s. 121(1) and (2)	s. 122(2)
s. 126D(2)	s. 152M
s. 154(3)	

[Section 164A inserted: No. 9 of 2023 s. 94.]

165. Licensees liable for acts of employees and agents

(1) Where, in contravention of this Act, an employee or agent of the licensee, or a person acting, or purporting to act, on behalf of the licensee, commits an offence for which the licensee would

have been liable had it been committed by the licensee on the premises to which a licence or permit relates, the licensee is also taken to have committed an offence and is liable to the same penalty as is prescribed for the principal offence.

(2) A licensee may be proceeded against and convicted under subsection (1) even if the employee or agent has not been proceeded against or has not been convicted under this Act.

(3) It shall not be a defence to a charge of an offence against subsection (1) to show that the licensee did not know, or could not reasonably have been aware of or have prevented the offence committed by the employee or agent, or had taken reasonable steps to prevent the commission of that offence.

(4) In this section —

employee, of the licensee, includes —

(a) a person engaged under a contract for services by the licensee; and

(b) a person holding a crowd controller's licence who is employed by a crowd control agent engaged under a contract for services by the licensee or occupier or a manager of the premises to which a licence or permit relates to supply the services of crowd controllers at those premises.

[Section 165 amended: No. 84 of 2004 s. 80; No. 73 of 2006 s. 99; No. 20 of 2025 s. 67.]

166. General penalty

(1) A person who contravenes any provision of this Act commits an offence against this Act.

(2) A person who commits an offence against this Act for which no penalty is specifically provided is liable to a penalty of a fine not exceeding $4 000.

[Section 166 amended: No. 73 of 2006 s. 110; No. 56 of 2010 s. 66; No. 20 of 2025 s. 38.]

167. Infringement notices

(1) In this section —

alleged offence, in relation to an infringement notice, means the offence to which the infringement notice relates;

alleged offender, in relation to an infringement notice, means the person to whom the infringement notice is given;

infringement notice means an infringement notice given under subsection (2);

modified penalty, in respect of an offence to which an infringement notice relates, means the amount of money specified in the notice as being the modified penalty for that offence.

(2) At the time, or within 21 days after, the alleged offence is believed to have been committed, an authorised officer who has reason to believe that a person —

(a) has committed a prescribed offence against this Act;

(b) is guilty of an offence by virtue of section 101, 164, 164A or 165 in relation to any such offence,

may give to that person an infringement notice.

(2A) An infringement notice must be in the approved form and must —

(a) contain a description of the alleged offence; and

(b) advise that if the alleged offender does not wish to be prosecuted for the alleged offence in a court, the amount of money specified in the notice as being the modified penalty for the offence may be paid to an authorised

person within a period of 28 days after the giving of the notice; and

(c) inform the alleged offender as to who are authorised persons for the purposes of receiving payment of modified penalties.

(3) The modified penalty specified in an infringement notice shall be 10% of the maximum fine for that offence under this Act, as at the time the alleged offence is believed to have been committed.

(4) An alleged offender to whom an infringement notice is given may decline to pay the modified penalty, and is deemed to have so declined if it is not paid within 28 days or such further time as may, whether before or after the expiry of that period, be allowed by the Director.

(5) The Director may, whether or not the modified penalty has been paid, withdraw an infringement notice within 2 years after it was given by sending to the alleged offender a notice in the approved form, stating that the infringement notice has been withdrawn.

(6) Where an infringement notice is withdrawn after the modified penalty has been paid, the amount paid shall be refunded.

(7) If the modified penalty is paid within the 28 days or further time allowed and the infringement notice has not been withdrawn, in relation to the events giving rise to the alleged offence —

(a) the payment of the penalty shall not be taken to be an admission, in any proceedings whether criminal or civil; and

(b) no proceedings shall be brought, and no other penalty imposed, other than —

(i) proceedings which might have been brought or a penalty which might have been imposed even if a charge of the alleged offence had been heard and determined by a court; or

(ii) proceedings or a penalty under sections 95 and 96.

(8) The amount of any modified penalty paid pursuant to an infringement notice shall, subject to subsection (6), be dealt with as if it were a fine imposed by a court as a penalty for an offence.

[(9) deleted]

[Section 167 amended: No. 84 of 2004 s. 80; No. 73 of 2006 s. 100; No. 9 of 2018 s. 63; No. 9 of 2023 s. 95; No. 20 of 2025 s. 113.]

168. Institution of prosecutions

(1) A prosecution for an offence against this Act may be instituted —

(a) in the name of the Director, by the Director or any person to whom the Director has delegated that function; or

(b) by a police officer,

and any prosecution instituted in the name of the Director is, in the absence of evidence to the contrary, taken to have been authorised by the Director.

(2) A person employed or engaged in the Department may appear on behalf of the Director in any proceedings for an offence against this Act.

[Section 168 amended: No. 84 of 2004 s. 80; No. 25 of 2023 s. 21(1); No. 20 of 2025 s. 67 and 114.]

169. Prosecutions, hearing of and limitation periods for

(1) A court of summary jurisdiction hearing and determining a charge of an offence under this Act is to be constituted by a magistrate if —

(a) the penalty for the offence is a fine of more than $2 000; or

(b) the person charged with the offence is a licensee, a manager or an employee or agent of a licensee.

(2) Subject to subsection (3), a prosecution for an offence against this Act must be commenced within 4 years after the date on which the offence is alleged to have been committed.

(3) A prosecution for an offence relating to the recording of a transaction involving the sale or purchase or other disposal or acquisition of liquor may be commenced within 4 years after the expiration of the financial year in which the offence is alleged to have been committed.

[Section 169 amended: No. 56 of 1997 s. 26(4); No. 12 of 1998 s. 91; No. 59 of 2004 s. 141; No. 84 of 2004 s. 82; No. 56 of 2010 s. 67.]

170. Evidentiary provisions as to proof of certain facts

In any proceedings for an offence against this Act —

(a) evidence of the delivery or supply of liquor is evidence of a sale of the liquor;

(b) evidence that a person has advertised, or by any other means given the impression, that the person will sell liquor shall, in the absence of proof to the contrary, be accepted as proof that the person has sold liquor;

(c) where the offence alleged is a contravention of section 111, liquor is taken to have been sold or consumed on the licensed premises to which the proceedings relate even if it is proved that the licensee took or carried, or employed or suffered another person

to take or carry, the liquor out of the licensed premises for the purpose of being sold or consumed at a place in the occupation of the licensee or in a public street or other public place;

(d) where the offence alleged relates to the sale or consumption of liquor on any licensed premises or unlicensed premises, it shall not be necessary for the prosecution to prove that any money passed or any liquor was actually consumed, if the court is satisfied that a transaction in the nature of a sale actually took place or that any consumption of liquor was about to take place;

(da) where a police officer purports to be authorised under section 3(6) for the purposes of this Act, or a particular provision of this Act, that officer shall be taken to be so authorised in the absence of proof to the contrary;

(db) where the offence alleged is a contravention of section 100(2)(c), a person is taken not to have been appointed in accordance with section 100(3), in the absence of proof to the contrary;

(e) where the offence alleged relates to the sale of liquor on any licensed premises, proof of consumption or intended consumption of liquor on the licensed premises, or of the taking or carrying away of liquor from the licensed premises, by some person other than the licensee or an employee or agent of the licensee, shall, in the absence of proof to the contrary, be accepted as proof that the liquor was sold to that person by or on behalf of the licensee;

(f) where the offence alleged relates to —

(i) anything done or omitted to be done on licensed premises; or

(ii) the sale or consumption of liquor on unlicensed premises,

it shall not be necessary for the prosecution to prove that the premises are, or were at any material time, licensed premises, or are or were at any material time unlicensed, as may be alleged, unless at least 3 working days before the hearing the accused puts the question in issue by written notice to that effect served on the prosecution.

[Section 170 amended: No. 12 of 1998 s. 92; No. 84 of 2004 s. 82; No. 9 of 2018 s. 64; No. 25 of 2023 s. 21(1); No. 20 of 2025 s. 67.]

171. Accomplices and evidence

(1) If an authorised officer, or another person at the request of an authorised officer, purchases or obtains liquor in connection with the performance of the authorised officer's functions under this Act —

(a) neither the authorised officer, nor the other person, commits an offence arising out of the purchase or obtaining of the liquor; and

(b) neither the authorised officer, nor the other person, is liable as a party to an offence committed by another person arising out of the purchase or obtaining of the liquor; and

(c) the evidence of the authorised officer, or of the other person, in proceedings for an offence arising out of the purchase or obtaining of the liquor is not the evidence of an accomplice.

(2) On the hearing of any charge of an offence under this Act, the court —

(a) may, if, in the circumstances of the case, the court thinks it proper to do so, convict the accused on the uncorroborated evidence of an accomplice; and

(b) shall not acquit an accused by reason only that the only evidence against the accused is the uncorroborated evidence of an accomplice,

unless the court suspects the truth of that evidence.

(3) In any proceedings against a licensee for an offence against this Act, the acts, admissions and statements of an employee or agent of the licensee are admissible as evidence, whether done, made or given in the presence of the licensee or not.

[Section 171 amended: No. 84 of 2004 s. 80 and 82; No. 20 of 2025 s. 25.]

172. Proof of certain matters

(1) In proceedings under this Act or for an offence against this Act, an allegation in the charge —

(a) that a substance referred to in the charge was liquor; or

(b) that a person named in the charge is (or is not), or was (or was not) on a specified date —

(i) licensed; or

(ii) licensed in respect of any specified premises; or

(iii) the holder of a specified permit; or

(iv) an approved unrestricted manager or an approved restricted manager;

or

(c) that any premises named in the charge are (or are not), or were (or were not) on a specified date, licensed premises or regulated premises; or

(d) that a part of any premises specified was a reception area, or declared to be out of bounds to juveniles; or

(e) that a person named in the charge is, or was on a specified date, a juvenile; or

(f) that a licence referred to in the charge is, or was on a specified date, subject to specified conditions or not so subject, or was of a specified class, or suspended; or

(g) that a person named in the charge is (or is not), or was (or was not) on a specified date, a licensee or a manager of specified licensed premises or an employee or agent of that licensee, or an authorised person in relation to any specified premises; or

(h) that a person named in the charge is, or was on a specified date, an authorised officer or a person employed or engaged in the Department; or

(j) that a person named in the charge has, or had on a specified date, a specified function by virtue of a delegation by the Director under this Act; or

(k) that a delegation by the Director under this Act is, or was on a specified date, subject to specified conditions; or

(m) that a person named in the charge is (or is not), or was (or was not) on a specified date —

(i) a lodger of specified licensed premises; or

(ii) a resident, worshipper, student, parent of a school child, worker, resident, or hospital patient in the vicinity of specified licensed premises;

or

(n) that a specified place is a park, reserve or sportsground or within the boundaries of the metropolitan area, or a specified town or townsite; or

(na) that on a specified date the person named in the charge did not have the consent of the occupier, or of the person or authority having control, of a place or premises where the person named in the charge consumed liquor at that date; or

(o) that a person named in the charge is the Commissioner of Police, or a police officer; or

(p) that a police officer holds a certain rank or is in charge of a police station or is specially authorised in any manner,

shall be accepted as proved in the absence of proof to the contrary.

(2) In proceedings under this Act against a person as the holder of a licence or permit, the person shall be taken to be the holder of that licence or permit in the absence of proof to the contrary.

(3) In any legal proceedings, a document apparently certified by the Director to be a licence, permit, notice or other document issued under this Act, or to be a copy of a licence, permit, notice or other document issued under this Act, or to be a document or a copy of a document provided or produced to the Director, shall be —

(a) accepted as such in the absence of proof to the contrary; and

(b) for all purposes sufficient evidence of the matter contained in the document, without producing the original.

(4) In all proceedings in which the giving of any notice to a party to the proceedings by the Director, or of any other document required or authorised under this Act, has to be proved, the party is taken to have received notice to produce that document, and, until the contrary is shown, the giving of the notice or the due service of the document may be sufficiently proved by the production of what purports to be a copy, bearing what purports to be a certificate signed by the person giving that notice or authorised to issue the original document, or the Director, as the case may be, that the copy is a true copy of the original and that the original notice was given or document served on the date specified in the certificate.

(5) The validity of any notice or other document or of its service is not affected by any error, misdescription, or irregularity which is not calculated to mislead, or which in fact does not mislead.

(6) In all courts and before all persons authorised to receive evidence —

(a) a signature purporting to be that of the Minister, the Director, or another authorised officer, is taken to be the signature of the person whose signature it purports to be in the absence of proof to the contrary; and

(b) a certificate purporting to be signed by the Director that a notice or other document of the description mentioned in the statement has or has not been given to or served on a person under this Act or as to the date of and the particulars contained in any notice so given or any document so served is evidence of the matter specified in the statement; and

(c) a notification in the *Gazette* as to the exercise by the Director of any power conferred under this Act, or as to any order made under this Act, is evidence of the facts therein stated.

(7) Where proceedings are taken in the name of the Director by an authorised officer no proof shall be required of the appointment of that officer or of the authority of that officer to take those proceedings, and the averment in the prosecution notice that the officer is so authorised is taken to be proof of the fact, in the absence of proof to the contrary.

(8) A certificate, purporting to be signed by the Director, certifying that on a day specified in the certificate a person named in the certificate was a person to whom such functions of the Director as are specified in the certificate had been delegated on terms, if any, so specified shall be admissible in evidence in any proceedings and, in the absence of proof to the contrary, shall be proof of the matters stated in the certificate.

(9) In any proceedings against a person for failing or neglecting duly to provide a return a certificate, purporting to be signed by the Director, certifying that the return has not been received from that person shall be admissible in evidence in those proceedings and, in the absence of proof to the contrary, shall be proof that the accused has failed duly to provide the return.

(10) In any proceedings against a person for failing or neglecting duly to provide the Director with any information required by the Director a certificate, purporting to be signed by the Director, certifying —

(a) that the accused was so required to provide the Director with the information of the nature specified in the certificate; and

(b) that the accused failed duly to provide the information when required by the Director,

shall be admissible in evidence in those proceedings and, in the absence of proof to the contrary, shall be proof of the matters so stated therein.

(11) For the purposes of any proceedings against a person for the recovery of a licence fee or penalty payable under this Act, a certificate, purporting to be signed by the Director, certifying —

(a) that a specified person is liable for the payment of a specified licence fee or penalty in respect of a specified period; or

(b) that a specified person held a specified licence at a specified time or during a specified period; or

(c) that a return required by section 145 to be lodged by a specified person had not been lodged in accordance with that section; or

[(d)-(f) deleted]

(g) that an amount specified was at the date of the certificate payable as a licence fee or penalty by a specified person

in respect of a specified licence for a specified licensing period, and has not been paid,

shall be admissible in evidence in any proceedings against the person for the recovery of a licence fee or penalty and, in the absence of proof to the contrary, shall be proof of the matters stated in the certificate.

(12) In subsection (11), ***specified*** means specified in the certificate.

(13) For the purpose of any proceedings against a person for the recovery of an amount payable under section 147 as a debt due to the Crown a certificate, purporting to be signed by the Director, certifying the circumstances and provision under which the amount became payable and certifying the amount determined to be payable by a person under that section and that the amount has not been paid, is admissible in evidence and, in the absence of proof to the contrary, is proof of the matters stated in the certificate.

(14) The production of any document or a copy of a document signed, or purporting to be signed, by the Director, or purporting to have been issued by the Director (that document or copy purporting to be a notice or a copy of a notice specifying a liability of a person under this Act), shall be conclusive evidence —

(a) of the due exercise of any act required by this Act to be done or performed by the Director for the purpose of ascertaining the liability so specified; and

(b) of the correctness of any calculations upon which that liability is ascertained.

[Section 172 amended: No. 56 of 1997 s. 49; No. 12 of 1998 s. 10(12) and 93; No. 84 of 2004 s. 80 and 82; No. 73 of 2006 s. 101 and 106; No. 56 of 2010 s. 21; No. 25 of 2023 s. 21(1); No. 20 of 2025 s. 60, 67, 115 and 124(1).]

172A. Forfeiture of liquor etc. on conviction or payment of modified penalty

(1) If a court convicts a person of an offence under this Act of illegally selling, supplying, consuming or storing liquor, or of unlawfully possessing liquor, or of possessing liquor for an unlawful purpose, the court may declare all, or any specified part, of the liquor, including any container or packaging, that relates to the offence to be forfeited.

(2) If under section 167 an infringement notice is issued to an alleged offender in respect of an alleged offence under this Act of illegally selling, supplying, consuming or storing liquor, or of unlawfully possessing liquor, or of possessing liquor for an unlawful purpose, and the modified penalty is paid and the notice is not withdrawn, any liquor, including any container or packaging, that relates to the offence and has been seized is forfeited.

[Section 172A inserted: No. 59 of 2006 s. 56.]

Part 7B — Review of decisions

[Heading inserted: No. 20 of 2025 s. 116.]

172N. Term used: relevant person

In this Part —

relevant person, in relation to an application, means —

(a) an official who makes an official submission about, or an objection to, the application (even if after the submission deadline for an advertised application); or

(b) a person who makes an objection, of a kind referred to in section 73(2) to (4), to the application (even if after the submission deadline for an advertised application); or

(c) in the case of an advertised application — a person who makes an objection, of a kind referred to in section 73(1), to the application before its submission deadline.

[Section 172N inserted: No. 20 of 2025 s. 116.]

172O. Review of decisions

(1) A person aggrieved by a reviewable decision may apply to the Tribunal for a review of the decision.

(2) A ***reviewable decision*** is a decision of a kind specified in Schedule 3.

(3) A ***person aggrieved*** by a reviewable decision means —

(a) for a decision about an application —

(i) the applicant; and

(ii) a relevant person;

and

(b) for a decision about a licence, or a permit relating to a licence — the licensee (or, for a cancelled licence, former licensee); and

(c) for a decision about a barring notice, a prohibition order, an exclusion order or a banned drinker order —

(i) the person the subject of the notice or order; and

(ii) the Commissioner of Police;

and

(d) for a decision about an approval, interim authorisation or business continuity order — a person having or seeking the benefit of the approval, authorisation or order; and

(e) for a decision under section 89 in relation to a dispute — a party to the dispute.

[Section 172O inserted: No. 20 of 2025 s. 116.]

172P. Time limit for review applications

(1) A person cannot apply for a review of a reviewable decision more than 1 month after —

(a) the day on which the decision-maker gives the person written notice of —

(i) the decision; and

(ii) the right to have the decision reviewed by the Tribunal;

or

(b) if the notice does not include, or is not accompanied by, a written statement of the reasons for the decision — the day on which the decision-maker provides the person with the written statement —

(i) on the decision-maker's own initiative; or

(ii) in response to a request by the person in accordance with the *State Administrative Tribunal Act 2004* section 21.

(2) The Tribunal, on application by any applicant or on its own initiative, may extend the time fixed under subsection (1).

(3) The Tribunal may extend the time fixed under subsection (1) even if it expired before —

(a) an application for an extension was made; or

(b) the Tribunal on its own initiative considered extending the time.

[Section 172P inserted: No. 20 of 2025 s. 116.]

172Q. Parties to review proceedings

(1) In this section —

review applicant means the person who applies for a review of a reviewable decision.

(2) The applicant (the ***original applicant***) of an application on which a reviewable decision is made is a party to a proceeding for the review of the decision even if the original applicant is not the review applicant.

(3) A person who is (or, if an application were granted, would be) the subject of a prohibition order, an exclusion order or a banned drinker order is a party to a proceeding for the review of a reviewable decision about the order even if the person is not the review applicant.

(4) The transferor of a licence is a party to a proceeding for the review of a decision by the Director to grant or refuse an application for approval of the transfer.

(5) An official who makes an official submission about, or an objection to, an application (even if after the submission deadline for an advertised application) on which a reviewable decision is made may intervene in a proceeding for the review of the decision.

(6) The Tribunal may give leave to any other relevant person to intervene in the proceeding.

(7) The Tribunal may order that a relevant person be joined as a party to a proceeding for the review of a reviewable decision.

(8) The Tribunal may consider submissions made to the Tribunal by a relevant person instead of —

(a) giving leave to intervene; or

(b) joining the person as a party.

(9) This section does not limit or otherwise affect the *State Administrative Tribunal Act 2004* section 37 or 38.

[Section 172Q inserted: No. 20 of 2025 s. 116.]

172R. Constitution of Tribunal

The Tribunal must be constituted by 3 members for a review of a decision specified in —

(a) Schedule 3 clause 1(1)(a)(i) or (ii); or

(b) Schedule 3 Divisions 3 to 5.

[Section 172R inserted: No. 20 of 2025 s. 116.]

172S. Tribunal not to consider new material when reviewing Director's decisions

(1) In a review of a reviewable decision by the Director, the Tribunal may only consider material that was before the Director when the Director made the decision.

(2) Subsection (1) applies despite the *State Administrative Tribunal Act 2004* section 27(1).

[Section 172S inserted: No. 20 of 2025 s. 116.]

Part 7 — General

173. Pending review etc. not to affect liability

(1) The fact that a review, appeal or case stated is pending which may affect any liability or assessment shall not in the meantime interfere with or affect that liability or assessment and the amount payable may be recovered as if no reviews, appeal or case stated were pending.

(2) If a liability or assessment is altered in consequence of a review, appeal or case stated, a due adjustment shall be made, for which purpose amounts paid in excess shall be refunded together with interest paid at the rate prescribed for the purposes of this subsection, and amounts short paid shall be recoverable.

174. Service of documents

(1) A notice or other document may be served on a licensee —

(a) personally; or

(b) by leaving it at the licensed premises, in an envelope addressed to the licensee, with a person apparently employed or engaged in the business conducted under the licence; or

(c) by sending it by post addressed to the licensee at the licensed premises or at some other address notified by the licensee to the Director.

(2) A notice or other document may be served on a person who occupies a position of authority in a body corporate that holds a licence —

(a) personally; or

(b) by sending it by post addressed to that person at an address notified by that person to the Director; or

(c) by serving it on the licensee, addressed to that person.

174A. *Criminal and Found Property Disposal Act 2006*, application of

(1) The *Criminal and Found Property Disposal Act 2006* applies to and in respect of any thing that is seized or forfeited under this Act except any thing that is seized and disposed of in accordance with section 155(9).

(2) For the purposes of the *Criminal and Found Property Disposal Act 2006* the Department is a prescribed agency.

[Section 174A inserted: No. 59 of 2006 s. 57; amended: No. 56 of 2010 s. 68; No. 9 of 2018 s. 65.]

174B. Liquor accords: authorisation for purposes of *Competition and Consumer Act 2010* and Competition Code

(1) In this section —

liquor accord has the meaning given in section 64(1b).

(2) For the purposes of the *Competition and Consumer Act 2010* (Commonwealth) and the Competition Code, the following conduct is authorised by this Act, to the extent that it would otherwise contravene that Act or that Code —

(a) the entry by any person into a liquor accord;

(b) conduct engaged in by any person for the purpose of promoting or giving effect to the terms of a liquor accord.

[Section 174B inserted: No. 9 of 2018 s. 66.]

175. Regulations

(1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be provided for carrying out the purposes of this Act or for giving effect to the objects of this Act, and in particular for or with respect to —

(a) the payment and collection of licence fees; and

(b) other fees payable to the Director; and

[(c) deleted]

(ca) conditions for the granting of special facility licences; and

(cb) conditions for the granting of producers' licences; and

(cc) the seizure of documents issued, or which appear to have been issued, by the Director and prescribed under section 126(1)(b)(i)(IV), the use of such documents as evidence and the return or disposal of such documents; and

(cd) limiting the permitted opening hours that may be authorised by an extended trading permit issued for the purpose referred to in section 60(4)(g); and

(ce) regulating entry to licensed premises after a time of the day or night specified in the regulations; and

(d) advertising, websites maintained by licensees, and the content of notices; and

(e) the endorsement, production and display of licences; and

(f) procedural matters, including the forms to be used; and

(g) the approval and conduct of managers.

(1a) The Governor, on the recommendation of the Minister, may make regulations for any or all of the following purposes —

(a) declaring an area of the State specified in the regulations to be a restricted area;

(b) restricting or prohibiting —

(i) the bringing of liquor into the restricted area; or

(ii) the possession of liquor in the restricted area; or

(iii) the consumption of liquor in the restricted area;

(c) in relation to any offence in the regulations of failing to comply with restrictions or prohibitions referred to in paragraph (b) and without limiting any other power of a

police officer under this Act — conferring powers on police officers in relation to the seizure and disposal of opened or unopened containers of liquor.

(1b) The Minister may recommend the making of regulations under subsection (1a) only if, after consultation with —

(a) the Commissioner of Police; and

(b) each local government in the district of which any part of the proposed restricted area would be situated; and

(c) any other person the Minister considers it appropriate to consult,

the Minister is satisfied that the regulations are in the public interest.

(1c) Regulations made under subsection (1a) must state the period during which the regulations are to have effect.

(1d) Regulations made under subsection (1a) expire at the end of the period referred to in subsection (1c).

(1E) The Governor, on the recommendation of the Minister, may make regulations prescribing an area of the State to be a protected entertainment precinct.

(1F) The Minister cannot make a recommendation for the purposes of subsection (1E) unless —

(a) the Minister is satisfied that the area of the State contains a concentration of licensed premises; and

(b) the Minister is satisfied that the proposed regulations are necessary to achieve the primary object set out in section 152NB; and

(c) after consultation with each of the following, the Minister is satisfied that the proposed regulations are in the public interest —

(i) the Commissioner of Police;

(ii) each local government in the district of which any part of the protected entertainment precinct is to be situated;

(iii) if the Minister considers it appropriate to consult any other person — that person.

(1G) The Governor, on the recommendation of the Minister, may make regulations prescribing an area of the State to be a banned drinker area.

(1H) The Minister can make a recommendation for the purposes of subsection (1G) only if, after consultation with each of the following, the Minister is satisfied that the proposed regulations are in the public interest —

(a) the Commissioner of Police;

(b) each local government in the district of which any part of the banned drinker area is to be situated;

(c) if the Minister considers it appropriate to consult another person — that person.

(2) A regulation may provide that contravention of the regulation constitutes an offence punishable by a fine not exceeding —

(a) in a case where the convicted person is, or was at the time of the offence, a licensee, a manager of licensed premises or a director of a body corporate that holds a licence — $10 000; and

(b) in any other case — $5 000.

[Section 175 amended: No. 56 of 1997 s. 50; No. 12 of 1998 s. 94; No. 73 of 2006 s. 102 and 106; No. 56 of 2010 s. 22 and 34; No. 9 of 2018 s. 67; No. 44 of 2022 s. 17; No. 25 of 2023 s. 17 and 21(1); No. 20 of 2025 s. 26, 39, 117 and 124(1).]

*[**176.** Omitted under the Reprints Act 1984 s. 7(4)(f).]*

177. Transitional provisions

Transitional provisions in a Schedule to this Act have effect according to their terms.

[Section 177 inserted: No. 20 of 2025 s. 66.]

*[**177A-177E.** Deleted: No. 20 of 2025 s. 66.]*

178. Review of Act

(1) The Minister shall carry out, or cause to be carried out, a review of the operation of this Act (other than amendments made to the Act by the *Liquor Control Amendment (Protected Entertainment Precincts) Act 2022* or the *Liquor Control Amendment (Banned Drinkers Register) Act 2023*) as soon as is practicable after the expiration of 5 years from the commencement of the *Liquor Control Amendment Act 2018* section 68, and in the course or as a consequence of such review the Minister shall consider and have regard to —

(a) the effectiveness of the operations of the Director and the Tribunal; and

(b) such other matters as appear to the Minister to be relevant to the operation and effectiveness of this Act.

(2) The Minister shall prepare a report based on the review of this Act and shall, as soon as practicable after its preparation, cause that report to be laid before each House of Parliament.

[Section 178 amended: No. 12 of 1998 s. 95; No. 9 of 2018 s. 69; No. 44 of 2022 s. 19; No. 25 of 2023 s. 19; No. 20 of 2025 s. 124(2).]

Schedule 1 — Transitional provisions

[s. 177]

[Heading amended: No. 19 of 2010 s. 4.]

1. Terms used

(1) In this Schedule, unless the context otherwise requires —

Act includes subsidiary legislation made under that Act;

application includes notice of an application;

appointed day means the day on which the *Liquor Act 1970* [1] is repealed by this Act;

licence includes a licence within the meaning of the repealed Act;

licensed premises includes licensed premises within the meaning of the repealed Act;

licensee includes a licensee within the meaning of the repealed Act;

permit includes a permit granted under the repealed Act;

repealed Act means the *Liquor Act 1970* [1].

(2) The mention of particular matters in this Schedule shall be without prejudice to the general application otherwise of section 36 and section 37 of the *Interpretation Act 1984* (which relate to the effect of repeals).

(3) Any reference, whether express or implied or having effect as such a reference, in any written law or document to, or to any provision of, the repealed Act shall be construed as a reference to this Act or, as the case may be, to the corresponding provision of this Act.

(4) Any subsidiary legislation (other than regulations) made, or notice given or thing done, or having effect as being made, given or done, under a provision of the repealed Act which corresponds to a provision of this Act shall have effect as if it had been made, given or done under the corresponding provision of this Act.

(5) A licence under the repealed Act corresponds to a particular class of licence under this Act if the licence would, if in force immediately before the appointed day, have been converted into a licence of that class by the operation of this Schedule.

(6) A permit under the repealed Act corresponds to a particular class of licence under this Act or a particular kind of permit under this Act, as the case may be, if the permit would, if in force immediately before the appointed day, have been converted into a licence of that class or a permit of that kind by the operation of this Schedule.

(7) A reference in this Schedule to the holder of a licence or permit under the repealed Act shall be read as including a person who is the holder of that licence or permit for the time being.

(8) Any question as to whether —

(a) a licence or permit under the repealed Act corresponds to a licence or permit under this Act; or

(b) a provision of the repealed Act corresponds to a provision of this Act,

may be determined by the Director and that determination is not subject to review or appeal.

2. Continuing effect of convictions, forfeitures etc.

A conviction or forfeiture imposed or seizure made under the repealed Act shall for the purposes of this Act —

(a) be treated as though it had been imposed, made or ordered under this Act, where a provision of this Act corresponds with the provision of the repealed Act concerned; and

(b) be taken into account.

3. Proceedings part heard, rules of court, and appointments under repealed Act

(1) If, on the appointed day, an application for a licence or a permit had been made under the repealed Act but had not been determined and the decision had not been reserved, the proceedings based on that application may be continued and completed —

(a) under this Act as if the application were an application for a licence of the corresponding class or a permit of a corresponding kind under this Act; or

(b) subject to any direction or requirement made by the Director, where no corresponding provision appears in this Act as

though for the purpose of determining the application the repealed Act continued to have effect, but any licence granted or permit issued shall be of a class or kind to which this Act applies.

(2) If, on the appointed day, an application (not being an application for a licence or permit) had been made under a provision of the repealed Act but had not been determined and the decision had not been reserved, the proceedings based on the application may be continued and completed as if the application were an application under this Act in so far as a corresponding provision is contained in this Act.

(3) Where in relation to any application made under the repealed Act for the renewal of a licence a notice of objection was lodged and that application had not been determined by the appointed day, the hearing of matters relating to that notice of objection may be continued as if the repealed Act continued to have effect but, if the Court determines that a ground of objection is established, effect may be given to section 96 as though the matter had been the subject of proceedings under section 95.

(4) If, on the appointed day, an application under the repealed Act had been heard and the decision was then reserved, the decision may be given effect to as if the repealed Act continued to have effect but if a licence is granted pursuant to those proceedings it shall have effect as though it had been a licence of the kind granted in force immediately prior to the appointed day.

(5) The Rules made under section 175 of the repealed Act shall continue to have effect as though —

(a) made under section 22; and

(b) a reference to the repealed Act or a provision of the repealed Act were a reference to this Act or a corresponding provision of this Act.

(6) On the appointed day a person who, immediately before that day, held office —

(a) as the judge under section 9 of the repealed Act, is deemed to have been appointed as the Liquor Licensing Court judge; or

(b) as an acting judge under section 11 of the repealed Act, is deemed to have been appointed as an acting judge,

for the purposes of this Act, and shall continue in office under this Act upon, subject to this Act, the like conditions.

(7) On the appointed day, the person who, immediately before that day, held office as Registrar of the Liquor Licensing Court —

(a) shall be deemed to have been so appointed under the repealed Act; and

(b) is deemed to have been appointed under the *Public Service Act 1978*[2] as Registrar for the purposes of this Act,

and subject to this Act shall continue in office under this Act, all determinations, decisions and actions taken prior to the appointed day by that person being deemed to have been lawfully taken and executed in compliance with, and under the authority of, the repealed Act.

(8) On the appointed day, the person who, immediately before that day, held an appointment as Director of Liquor Licensing under the repealed Act is deemed to have been appointed under the *Public Service Act 1978*[2] as Director of Liquor Licensing for the purposes of this Act.

(9) On the appointed day, a person who, immediately before that day, held an appointment to an office under section 15 of the repealed Act is deemed to have been appointed under the *Public Service Act 1978*[2] to hold a like office for the time being under section 14 for the purposes of this Act.

4. Fees

(1) The Governor may, by regulation, make transitional provisions —

(a) fixing, or providing for the assessment and reassessment of, licence fees in respect of licences of any class that come into force by the operation of this Schedule or are granted in accordance with this Schedule in respect of not more than 2 licence years commencing after the appointed day; and

(b) apportioning fees in respect of any licence or permit the period of which is terminated or extended by the operation of this Act; and

(c) providing for the payment or refund of those fees.

(2) Subject to subclause (4), a regulation made under subclause (1) shall have effect notwithstanding that it may be inconsistent with a provision of this Act.

(3) The provisions of this Act and of the repealed Act, and in particular section 164B of that Act, relevant to the reassessment of licence fees under that Act and the recovery of fees in accordance with the reassessment shall have effect, notwithstanding the repeal of that Act, in respect of licence fees under that Act.

(4) Where the Director is satisfied that if a licence fee were fixed under regulations made for the purposes of this clause a licensee would be in a less favourable position than if the repealed Act had continued to have effect, the Director may fix a fee at discretion so as to ensure that, so far as is practicable, the licensee is not placed in that position.

(5) The delivery of distilled spirits in bond, by the occupier of a vineyard to the occupier of another vineyard, in respect of a sale effected prior to the appointed day is authorised and shall be deemed to be exempted from this Act.

5. Continuing effect of conditions, delineated or designated areas, approvals etc.

(1) Subject to this Schedule, terms or conditions —

(a) which were fixed or imposed under the repealed Act, whether by that Act or by the licensing authority, in relation to licences, certificates, permits or other authorisations that are by the operation of this Schedule converted into licences or permits under this Act or otherwise continued in force under this Act; and

(b) which are not inconsistent with this Act,

shall have effect as though they had been fixed or imposed under this Act.

(2) A delineation or definition of any premises made for the purposes of the repealed Act continues in operation, subject to this Act, for the purpose of ascertaining the extent of those premises.

(3) Where for the purposes of the repealed Act any part of any premises was designated as an area in which liquor was authorised to be sold, supplied or consumed ancillary to a meal, notwithstanding that it would otherwise have been unlawful, that part of those premises continues, for the purposes of this Schedule, to be such an area.

(4) The Director may, after giving the licensee a reasonable opportunity to make submissions or to be heard, redefine any licensed premises, within 2 years of the appointed day, in order to —

(a) exclude areas not required to be licensed under this Act; or

(b) bring any area into conformity with the requirements of this Act; or

(c) give effect to this Schedule.

(5) Any approval or authorisation granted under the repealed Act continues in force, subject to this Act, for the purposes of this Act.

(6) Where under section 118(1)(b) of the repealed Act a licensee was required to cause a notice of the name of a nominee to be maintained, it shall be sufficient compliance with section 115(4) during the period of 6 months after the appointed day to maintain such a notice, if the person named in the notice is the manager.

(7) Where a person was immediately before the appointed day a person who was approved as the nominee in relation to a licence under the repealed Act that person shall be deemed to have been approved under this Act as the manager in respect of the premises to which the licence under the repealed Act related.

6. Conversion of licences generally

(1) On and after the appointed day a person who immediately before that date held a licence or a provisional certificate granted or permit issued and currently in force under the repealed Act shall, subject to this Act, be deemed to be the holder of a licence or permit in accordance with this Schedule, relating to the same premises, until —

(a) where a permit was issued for a specified period or would otherwise have expired under the repealed Act, that permit expires; or

(b) a licence is granted or a permit is issued to that person in accordance with subclause (2) in respect to those premises; or

(c) it is surrendered; or

(d) that licence or permit is cancelled under this Act by reason of —

(i) section 93; or

(ii) a determination made under section 96.

(2) As soon as practicable after the appointed day, the Director shall, without requiring any application unless this Schedule otherwise provides, grant to a person to whom subclause (1) applies a licence under this Act of a corresponding class, or shall issue to him a permit of a corresponding kind, relating to the same premises as were the subject of the former licence or permit under the repealed Act.

(3) In determining the terms and conditions of the licence or permit to be issued under subclause (2), the Director shall have regard —

(a) to the type of licence or permit held under the repealed Act; and

(b) to any term or condition to which clause 5(1) applies and which relates or formerly related to the premises,

and the determination of the Director is not subject to review or appeal.

(4) Where a licence or permit under the repealed Act is converted under this Schedule or a licence is to be granted under this Schedule, no approval or consent that would otherwise have been required in respect of a licence of that class under this Act is required for the purposes of or in relation to that conversion or grant.

(5) Any conditions that were under the repealed Act imposed in relation to a provisional certificate for the grant or removal of a licence shall be deemed to have been imposed in relation to a conditional grant made under section 62 in respect of a licence of a corresponding class upon the same terms as were applicable to the provisional certificate.

(6) Where, for any reason, the operation of a licence or permit was suspended or a licence was temporarily removed under the repealed Act, that licence or permit shall be deemed to be a licence or permit the operation of which is in like manner suspended or temporarily removed under this Act.

(7) A licence or permit which comes into force or is issued under this Schedule —

(a) does not have effect so as to prejudice any proceedings which may have been instituted under the repealed Act in relation to the carrying on of a business under that Act; and

(b) is subject to proceedings under section 95 in respect of any matter of complaint which arose prior to the coming into operation of that section and is not the subject of proceedings under the repealed Act.

7. Hotel licences

A hotel licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a hotel licence under this Act subject to the condition referred to in section 41(4) but not subject to the requirements of section 122(3) of the repealed Act.

8. Limited hotel licences

A limited hotel licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a hotel restricted licence under this Act subject to the condition referred to in section 41(4) but not subject to the requirements of section 122(3) of the repealed Act.

9. Tavern licences

A tavern licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a hotel licence under this Act, of the kind referred to as a tavern licence but is not subject to the requirements of section 26(2) of the repealed Act.

10. Obligatory trading hours relating to hotel licences

Where a licence under the repealed Act becomes a hotel licence under clause 7, 8 or 9, on and from the appointed day section 98 applies to

the licensed premises, save that, where notice of a period chosen by the licensee under section 24(2)(a) of the repealed Act has been given by the licensee to the Director and the Director has acknowledged the notice, effect shall be given to that notice in relation to a hotel situated in the metropolitan area as though it had been a notice given and acknowledged under section 98(2).

11. Winehouse licences and Australian wine licences

(1) A winehouse licence, or an Australian wine licence, that was in force under the repealed Act immediately before the appointed day shall, on that day, become a special facility licence under this Act, subject to the like provisions as to the kind of liquor that may be sold and the conditions under which it may be sold as had effect in relation to that licence immediately before the appointed day, authorising the sale of liquor on the days, within the hours, in so far as they are not inconsistent with the permitted hours applicable to a hotel licence, that were applicable immediately before the appointed day, but not subject to the provisions of section 29(2) and section 39(4) of the repealed Act.

(2) Notwithstanding clause 6(2), the Director may, instead of granting to a person who immediately before the appointed day held a licence under sections 29 or 39 of the repealed Act in respect of the same premises a special facility licence of the kind referred to in subclause (1), upon the lodging of a notice of application grant to that person in respect of premises comprising the whole or a part of the premises formerly licensed —

(a) a special facility licence subject to a condition restricting the sale of liquor to —

(i) wine and brandy, for consumption on or off the premises; and

(ii) beer (not being beer sold on draught) and spirits (other than brandy), for consumption on the licensed premises only;

or

(b) a restaurant licence; or

(c) a cabaret licence,

having regard to any representations made to the Director by or on behalf of the licensee, to the requirements of this Act in relation to the grant of licences of that class, and to the premises and the services and facilities provided, or capable of being provided, there and the determination made by the Director is not subject to review or appeal.

12. Casino liquor licences

A casino liquor licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a casino liquor licence under this Act.

13. Cabaret licences

(1) A cabaret licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a cabaret licence under this Act.

(2) Notwithstanding subsection (1), where the licensed premises to which the cabaret licence relates were wholly or partly within licensed premises to which another licence related, and the holders of the licences respectively applicable agree or are the same person, the Director may, upon the lodging of a notice of application and the surrender of the cabaret licence, issue in respect of the premises to which the cabaret licence related an extended trading permit relating to that other licence on terms and conditions not less favourable to the licensee than those which applied in respect of the cabaret licence immediately before the appointed day.

14. Restaurant licences

(1) A restaurant licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a restaurant licence under this Act.

(2) Where, immediately before the appointed day, the holder of a restaurant licence held a lodger's permit under section 34 of the repealed Act, or a reception area permit under section 40 of the repealed Act, in conjunction with the restaurant licence that permit continues in force as though it were an extended trading permit issued in relation to that licence.

15. Restaurant facilities on premises formerly licensed as a hotel, tavern, limited hotel, or winehouse

(1) Where, pursuant to the repealed Act, the holder of a hotel licence, a tavern licence, a limited hotel licence or a winehouse licence under the repealed Act had maintained on the licensed premises a dining room in which liquor was sold ancillary to a meal supplied by the licensee, the licensee is authorised, within the hours and upon the same terms and conditions that were applicable immediately before the appointed day, to continue to sell liquor for consumption in that dining room, or in a reception area used in conjunction with that dining room and to which a permit issued under section 40 of the repealed Act applied, ancillary to a meal supplied by the licensee in that dining room, until —

(a) where the dining room was in a winehouse, a restaurant licence is applied for and granted; or

(b) an extended trading permit is applied for and issued in respect of that dining room; or

(c) a period of 2 years has expired since the appointed day,

whichever first shall happen.

(2) Where a person to whom subclause (1) applies lodges a notice of application and satisfies the Director that the dining room, and any reception area used in conjunction with it, had immediately before the appointed day habitually been used for consumption of liquor ancillary to a meal supplied by the licensee the Director, as soon as practicable after the appointed day, shall —

(a) where the dining room was in a winehouse, grant a restaurant licence; or

(b) otherwise, issue an extended trading permit relating to the licence held by the applicant under this Act,

to that person in respect of the dining room and any related area or facilities habitually used, or that may be required to be used, by persons dining there.

16. Store licences

(1) A store licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a liquor store licence under this Act.

(2) Where, immediately before the appointed day, the holder of a store licence held a late delivery permit under section 36(3) of the repealed Act in conjunction with the store licence that permit continues in force as though it were an extended trading permit issued in relation to that licence.

(3) Where hours of trading were chosen by the licensee under section 36(1a)(c) of the repealed Act and notified to the Director, that notification shall be deemed to have effect for the purposes of section 98(5).

17. Vigneron's licences and brewer's licences

(1) A vigneron's licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a producer's licence under this Act.

(2) Subject to subclause (4), a brewer's licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a producer's licence under this Act.

(3) A producer's licence to which this clause applies shall, until a period of 2 years has expired since the appointed day, not be subject to the requirement that liquor supplied by way of free sample is to be consumed only on a part of the licensed premises approved for the purpose by the Director.

(4) The brewer's licence that was, immediately before the appointed day, held by Carlton and United Breweries Limited in respect of premises at Lot 200 Fargo Way, Welshpool, shall, on that day, become a wholesaler's licence under this Act.

(5) Where —

(a) before the appointed day a person purchased, or assumed the conduct of, a business conducted under a vigneron's licence; and

(b) that person holds a producer's licence that is converted from a vigneron's licence under this clause,

that person may sell liquor that was, at the time the person purchased or assumed the conduct of the business, part of the trading stock of the business as if it had been produced by that person.

18. Wholesale licences

(1) A wholesale licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a wholesaler's licence under this Act.

(2) A wholesaler's licence to which this clause applies shall, until 1 July 1990, be deemed not to be subject to the condition referred to in section 58(3)(b).

(3) In the assessment period commencing 1 July 1989 the holder of a wholesaler's licence shall not, sell to unlicensed persons a greater percentage of liquor than was sold to unlicensed persons in the assessment period ending on 30 June 1989, that percentage being determined by the Director, and notified to the licensee by the Director in writing, and the determination of the Director not being subject to review or appeal.

19. Club licences and unlicensed club permits

(1) A club licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a club licence under this Act.

(2) An unlicensed club permit that was in force under the repealed Act immediately before the appointed day shall, on that day, become a club restricted licence under this Act subject to conditions restricting the authorisation for the sale of liquor —

(a) to liquor purchased for the purpose by or on behalf of the club from one or more of suppliers authorised under section 42(2) of the repealed Act; or

(b) where a term of, or condition applicable to, the permit under the repealed Act restricted the sale of liquor to liquor sold for consumption on the premises or the club's hours of trading,

or otherwise limited its activities, to liquor sold so as not to contravene that restriction or limitation; or

(c) in such other manner as the Director may, by notice in writing varying the authorisation conferred by the former permit in a manner not less favourable to the licensee, direct,

and an unlicensed club permit that was in force under the repealed Act immediately prior to 1 January 1989 shall, if the appointed day occurs on or after that date, be deemed to have continued in force under the repealed Act until the appointed day, unless sooner surrendered or cancelled (otherwise than by effluxion of time) under the repealed Act.

(3) Where, immediately before the appointed day, the holder of a club licence held a voluntary associations permit under section 35 of the repealed Act in respect of the club premises that permit continues in force as though it were an extended trading permit issued in relation to that licence.

(4) Where, in relation to a club licence held by a body of persons not incorporated, a person was nominated under section 42(4) of the repealed Act to be responsible as permit holder on behalf of the club and was a person approved under the repealed Act, that person shall continue to be the person responsible accordingly in respect of the licence, until such time as some other person is nominated by the club and approved by the Director under this Act to hold the licence as trustee on behalf of the club.

(5) Where a club comprises a body of persons not incorporated or deemed to be incorporated under the *Associations Incorporation Act 1987* or any other written law and the Director is of the opinion that it is a body which is inappropriate to continue to be licensed by reason of it being unincorporated then —

(a) if the Director so requires, the club shall seek to become an incorporated body; and

(b) on lodgement of a copy of the certificate of incorporation, the Secretary of the club with the consent of the trustee may apply for the licence to be vested in that body and the licence shall be varied accordingly,

but, if the licence is not so vested before a period of 2 years has expired since the date on which the requirement was made known by the Director, the Director may cancel the licence.

(6) Where the constitution or any rules of a club which held a licence or permit under the repealed Act have not been approved by the Director under that Act, they shall for the purposes of this Act be deemed to have been provisionally approved as at the appointed day subject to any subsequent direction given by the Director.

20. Certain licences to become special facility licences

(1) A canteen licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a special facility licence under this Act, but for the purposes of the continuance in force of the term imposed by section 66(2) of the repealed Act —

(a) the reference to "will not be renewed after" shall be construed as ", on application to the Court by the Director, may be cancelled on"; and

(b) the reference to "an hotel or tavern licence" shall be construed as though it were a reference to a hotel licence, other than a hotel restricted licence, under this Act;

(2) A theatre licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a special facility licence under this Act.

(3) A ballroom licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a special facility licence under this Act.

(4) A reception lodge licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a special facility licence under this Act.

(5) A packet licence, and where the Director so requires all the packet licences held by the same licensee, in force under the repealed Act immediately before the appointed day shall, on that day, become a special facility licence under this Act, and where a permit was issued under section 33(4) of the repealed Act in relation to a day subsequent to the appointed day the terms and conditions of that permit shall have

effect as though they were terms and conditions of an extended trading permit relating to the licence.

(6) A railway refreshment room licence that was in force under the repealed Act immediately before the appointed day shall, on that day, become a special facility licence under this Act.

(7) Where an Order was made under section 176 of the repealed Act relating to an historic inn, any licence or exemption granted pursuant to the Order that was in force under the repealed Act immediately before the appointed day shall, on that day, become a special facility licence under this Act authorising the sale of liquor on the days and within the hours applicable to a hotel licence under section 97.

(8) Subject to subclause (7), for so long as a special facility licence remains in force by the operation of this clause in relation to any licence formerly held under the repealed Act it authorises the sale of liquor on the premises to which it relates on the days and within the hours that were authorised in relation to those premises by the repealed Act.

21. Caterer's permit

A caterer's permit that was in force under the repealed Act immediately before the appointed day shall, on that day, become an extended trading permit under this Act in relation to the licence in respect of which it was obtained, subject to clause 6(1)(a).

22. Exempted producers etc.

A person who was immediately before the appointed day the occupier of a vineyard or orchard and regularly conducted there sales to which the exemption conferred by section 6(1)(h) of the repealed Act referred is authorised, subject to the same conditions as related to that exemption, to continue to conduct sales of that kind until —

(a) a certificate of exemption takes effect under section 54; or

(b) a period of 2 years has expired since the appointed day,

whichever first shall happen.

23. Certain licences may become special facility licences

Where the holder of a hotel licence, a tavern or a limited hotel licence that was in force under the repealed Act immediately before the appointed day lodges a notice of application before the expiry of a period of 6 months since the appointed day and satisfies the Director —

(a) that the licensed premises are, and throughout the occupancy of the licensee have consistently been, of an exceptionally high standard; and

(b) that the requirements of section 46 are met,

the Director may grant a special facility licence on terms and conditions which the licensee, after consultation with the Director, agrees.

24. References in other written laws

(1) References in a written law other than the repealed Act to the principal clerk or any other clerk of the Licensing Court of Western Australia, or to the Principal Receiver of Revenue, shall, if and to the extent that it is appropriate in the context so to do, be read and construed as references to the Director.

(2) References in Order 64 of the *Rules of the Supreme Court 1971* [3] to the Licensing Court of Western Australia shall be read and construed as references to the Liquor Licensing Court.

(3) References in the *Liquor Licensing (Moratorium) Act 1983* [4] or in an order made under section 5(1) of that Act to the Licensing Court of Western Australia shall, to the extent that it is appropriate in the context so to do, be read and construed as references to the licensing authority.

Schedule 1A — Transitional provisions relating to the *Liquor and Gaming Legislation Amendment Act 2006*

[s. 177]

[Heading inserted: No. 73 of 2006 s. 104; amended: No. 20 of 2025 s. 67.]

1. Terms used

In this Schedule, unless the context otherwise requires —

commencement day means the day on which the *Liquor and Gaming Legislation Amendment Act 2006* section 103 comes into operation;

Court means the Liquor Licensing Court preserved and continued under section 8 of the former Act;

former Act means this Act as in force immediately before the commencement day;

new Act means this Act as in force on the commencement day.

[Clause 1 inserted: No. 73 of 2006 s. 104.]

2. Liquor Licensing Court

(1) The Court is abolished —

(a) on the commencement day; or

(b) if subclause (2) applies — on the date specified in the notice under subclause (3).

(2) The Court is to continue in operation on and after the commencement day for the purposes of continuing to deal with any application or matter referred to in clause 5(1) that the Court has begun, but not completed, hearing or determining.

(3) When the Minister is satisfied that there is no further application or matter to be dealt with by the Court under clause 5(1), the Minister is to publish a notice in the *Gazette* specifying the date on which the Court is to cease to continue in operation under that subclause.

[Clause 2 inserted: No. 73 of 2006 s. 104.]

3. Liquor Licensing Court judge

The person holding office, immediately before the commencement day, as the Liquor Licensing Court judge referred to in section 9 of the former Act ceases to hold that office on the abolition of the Court under clause 2.

[Clause 3 inserted: No. 73 of 2006 s. 104.]

4. Pending cases stated and appeals to Supreme Court

(1) If a case stated on a question of law to the Supreme Court under section 27 of the former Act has not been determined immediately before the commencement day, the question of law is to be determined under that section on or after that day by the Court of Appeal.

(2) If an appeal made to the Supreme Court under section 28 of the former Act has not been determined immediately before the commencement day, the appeal is to be determined under that section on or after that day by the Court of Appeal.

[Clause 4 inserted: No. 73 of 2006 s. 104.]

5. Pending applications and matters

(1) Subject to subclause (2), if the licensing authority has begun, but not completed, hearing or determining an application or matter immediately before the commencement day, the application or matter is to continue to be dealt with on or after that day in accordance with the relevant provisions of the former Act.

(2) If the licensing authority has begun, but not completed, hearing or determining an application for a cabaret licence immediately before the commencement day, the application is to continue to be dealt with on or after that day as an application for a nightclub licence under the new Act.

(3) If —

(a) an application or matter was before the licensing authority under the former Act; but

(b) the licensing authority has not begun to hear or determine the application or matter immediately before the commencement day,

the application or matter is to be dealt with on or after that day in accordance with the relevant provisions of the new Act.

(4) If —

(a) the Court determined under the former Act that an application or matter is to be referred to or further considered by the Court; and

(b) the application or matter has not been referred to or further considered by the Court immediately before the commencement day,

then, on or after that day, the application or matter may be referred to or further considered by either the Director or the Commission under the new Act.

[Clause 5 inserted: No. 73 of 2006 s. 104.]

6. Licences granted and permits issued by Liquor Licensing Court

A licence granted or a permit issued by the Court that has effect immediately before the commencement day continues to have effect, on and after that day, as if it had been granted or issued by the Commission.

[Clause 6 inserted: No. 73 of 2006 s. 104.]

7. Cabaret licences

(1) A cabaret licence granted under section 42 of the former Act that has effect immediately before the commencement day continues to have effect, on and after that day, as a nightclub licence granted under that section of the new Act.

(2) A reference in a written law or other document or instrument to a cabaret licence may, where the context so requires, be read as if it had been amended to be a reference to a nightclub licence.

[Clause 7 inserted: No. 73 of 2006 s. 104.]

8. Courses of training and assessments

For the purposes of the application of paragraph (c) of section 35B(3) of the new Act to a person who was employed as a manager immediately before the commencement day, the period referred to in that paragraph is to be taken to be the period of 12 months after that day.

[Clause 8 inserted: No. 73 of 2006 s. 104.]

9. References to Liquor Licensing Court and Liquor Licensing Court judge

(1) A reference in a written law or other document or instrument to the Court may, where the context so requires, be read as if it had been amended to be a reference to the Commission.

(2) A reference in a written law or other document or instrument to the Liquor Licensing Court judge, or a Liquor Licensing Court judge, may, where the context so requires, be read as if it had been amended to be a reference to the Commission.

[Clause 9 inserted: No. 73 of 2006 s. 104.]

10. Transitional regulations

(1) If this Schedule does not provide sufficiently for a matter or issue of a transitional nature that arises as a result of the amendments made to this Act by the *Liquor and Gaming Legislation Amendment Act 2006*, the Governor may make regulations under this clause (***transitional regulations***) prescribing all matters that are required, necessary or convenient to be prescribed for providing for the matter or issue.

(2) If the transitional regulations provide that a state of affairs specified or described in the regulations is taken to have existed, or not to have existed, on and from a day that is earlier than the day on which the regulations are published in the *Gazette* but not earlier than the commencement day, the regulations have effect according to their terms.

(3) If the transitional regulations contain a provision referred to in subclause (2), the provision does not operate so as —

(a) to affect in a manner prejudicial to any person (other than the State or an authority of the State) the rights of that person existing before the day of publication of those regulations; or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the day of publication of those regulations.

[Clause 10 inserted: No. 73 of 2006 s. 104.]

Schedule 1B — Transitional provisions relating to the *Liquor Control Amendment Act 2010*

[s. 177]

[Heading inserted: No. 56 of 2010 s. 24; amended: No. 20 of 2025 s. 67.]

1. Terms used

In this Schedule —

approved manager means an approved unrestricted manager or an approved restricted manager;

commencement day means the day on which the *Liquor Control Amendment Act 2010* Part 2 comes into operation;

old section 35B means section 35B as in force immediately before the commencement day.

[Clause 1 inserted: No. 56 of 2010 s. 24.]

2. Current managers taken to be licensed

On the commencement day a person who was, immediately before the commencement day, approved as a manager of licensed premises under the old section 35B becomes —

(a) if the person had, before the commencement day, completed a course of training or an assessment of the kind described in the old section 35B(3)(c)(i) — an approved unrestricted manager; or

(b) otherwise — an approved restricted manager.

[Clause 2 inserted: No. 56 of 2010 s. 24.]

3. Duration of transitioned approvals

(1) For the purposes of section 102D, an approval effected by clause 2 (a ***transitioned approval***) is taken to have been granted on the commencement day.

(2) The regulations may modify the operation of section 102D in relation to transitioned approvals.

(3) Regulations for the purposes of subclause (2) cannot reduce the duration of a transitioned approval unless the approved manager agrees to the reduction.

(4) Regulations for the purposes of subclause (2) may make different provision for different classes of approvals or different classes of persons.

[Clause 3 inserted: No. 56 of 2010 s. 24.]

4. Current applications

(1) If —

(a) an application was made before the commencement day for a person (the ***applicant***) to be approved as a manager under the old section 35B; and

(b) as at the commencement day the application had not been finally dealt with,

then on the commencement day the application becomes an application under section 102B for approval of the applicant as an approved unrestricted manager.

(2) If an applicant to whom subclause (1) applies does not satisfy the criteria for approval as an approved unrestricted manager but does satisfy the criteria for approval as an approved restricted manager, the Director may approve the person as an approved restricted manager.

[Clause 4 inserted: No. 56 of 2010 s. 24.]

Schedule 1C — Transitional provisions relating to the *Liquor Control Amendment Act 2018*

[s. 177]

[Heading inserted: No. 9 of 2018 s. 70; amended: No. 20 of 2025 s. 67.]

1. Application of s. 36B to existing applications for grant or removal of licence

Section 36B applies to an application for the grant or removal of a licence referred to in section 36B(2) that was made, but not determined by the licensing authority, before the day on which the *Liquor Control Amendment Act 2018* section 18 comes into operation.

[Clause 1 inserted: No. 9 of 2018 s. 70.]

2. Small bar licences

(1) In this clause —

commencement day means the day on which the *Liquor Control Amendment Act 2018* section 21 comes into operation;

old licence means a hotel licence of the kind referred to in section 41(1aa) as in force immediately before commencement day.

(2) An old licence that was in effect immediately before commencement day is taken to be a small bar licence under section 41A, subject to the conditions that applied to the old licence immediately before commencement day.

(3) An application for an old licence that was made, but not determined by the licensing authority, before commencement day is taken to be an application for a small bar licence under section 41A.

[Clause 2 inserted: No. 9 of 2018 s. 70.]

3. Certain restaurant licences: no fee for application for extended trading permit under section 60(4)(ca)

(1) In this clause —

commencement day means the day on which the *Liquor Control Amendment Act 2018* section 27 comes into operation;

small restaurant licence means a restaurant licence that, immediately before commencement day, was subject to a condition limiting the maximum number of persons (excluding responsible persons and authorised officers) who may be on the licensed premises to 120.

(2) If, in the period of 12 months beginning on commencement day, the licensee of a small restaurant licence makes an application for an extended trading permit under section 60(4)(ca), then, despite section 68(1)(b), the notice of application is not required to be accompanied by any prescribed fee.

[Clause 3 inserted: No. 9 of 2018 s. 70.]

4. Application of s. 77A to existing applications for alteration or redefinition of licensed premises

Section 77A applies to an application under section 77(4) that was made, but not determined by the licensing authority, before the day on which the *Liquor Control Amendment Act 2018* section 45 comes into operation.

[Clause 4 inserted: No. 9 of 2018 s. 70.]

Schedule 1D — Transitional provisions relating to the *Liquor Control Amendment (Protected Entertainment Precincts) Act 2022*

[s. 177]

[Heading inserted: No. 44 of 2022 s. 20; amended: No. 20 of 2025 s. 67.]

1. Terms used

In this Schedule —

commencement day means the day on which the *Liquor Control Amendment (Protected Entertainment Precincts) Act 2022* section 16 comes into operation;

conviction has the meaning given in section 152NZJ(1);

extended exclusion order has the meaning given in section 152NC;

short-term exclusion order has the meaning given in section 152NC;

specified offence has the meaning given in section 152NZJ(1).

[Clause 1 inserted: No. 44 of 2022 s. 20.]

2. Application of s. 115AC to existing notices

The amendments made to section 115AC by the *Liquor Control Amendment (Protected Entertainment Precincts) Act 2022* section 11 apply to the publication or disclosure of information or photographs in relation to a notice given to a person under section 115AA(2) whether the notice was given before, on or after the day on which the *Liquor Control Amendment (Protected Entertainment Precincts) Act 2022* section 11 comes into operation.

[Clause 2 inserted: No. 44 of 2022 s. 20.]

3. Application of s. 152K to existing prohibition orders

The amendments made to section 152K by the *Liquor Control Amendment (Protected Entertainment Precincts) Act 2022* section 15 apply to the publication or disclosure of information or photographs in relation to a prohibition order under Part 5A whether the order was made before, on or after the day on which the *Liquor Control*

Amendment (Protected Entertainment Precincts) Act 2022 section 15 comes into operation.

[Clause 3 inserted: No. 44 of 2022 s. 20.]

4. Short-term exclusion orders

A short-term exclusion order must not be made on the basis of behaviour that occurred before commencement day.

[Clause 4 inserted: No. 44 of 2022 s. 20.]

5. Extended exclusion orders

(1) Except as provided for in subclause (2), an extended exclusion order must not be made on the basis of behaviour that occurred before commencement day.

(2) An extended exclusion order to which section 152NM(4) applies may be made whether —

(a) the prohibition order referred to in section 152NM(4)(a) was made before, on or after commencement day; or

(b) the behaviour referred to in section 152NM(4)(b)(i) occurred before, on or after commencement day.

[Clause 5 inserted: No. 44 of 2022 s. 20.]

6. Excluded offenders

For the purposes of section 152NZJ(2), the conviction of the specified offence referred to in section 152NZJ(2)(a) must have occurred on or after commencement day.

[Clause 6 inserted: No. 44 of 2022 s. 20.]

Schedule 1E — Transitional provisions relating to *Liquor Control Amendment (Banned Drinkers Register) Act 2023*

[s. 177]

[Heading inserted: No. 25 of 2023 s. 20; amended: No. 20 of 2025 s. 67.]

1. Application of s. 115ACA to existing barring notices

Section 115ACA applies to a notice given to a person under section 115AA(2) that was in force immediately before the day on which the *Liquor Control Amendment (Banned Drinkers Register) Act 2023* section 10 comes into operation.

[Clause 1 inserted: No. 25 of 2023 s. 20.]

2. Application of s. 152KA to existing prohibition orders

Section 152KA applies to a prohibition order that was in force immediately before the day on which the *Liquor Control Amendment (Banned Drinkers Register) Act 2023* section 13 comes into operation.

[Clause 2 inserted: No. 25 of 2023 s. 20.]

3. Existing circumstances for police officer making banned drinker order under s. 152YE

Section 152YE applies in relation to a circumstance referred to in subsection (2) of that section, whether the circumstance happened before, on or after the day on which the *Liquor Control Amendment (Banned Drinkers Register) Act 2023* section 15 comes into operation.

[Clause 3 inserted: No. 25 of 2023 s. 20.]

*[**4.** Deleted: No. 20 of 2025 s. 61.]*

Schedule 1F — Transitional provisions relating to *Liquor Control Amendment Act 2025*

[s. 177]

[Heading inserted: No. 20 of 2025 s. 62.]

Division 1 — Transitional provisions relating to *Liquor Control Amendment Act 2025* Part 2

[Heading inserted: No. 20 of 2025 s. 118.]

1. Terms used

(1) In this Division —

new, in relation to a provision of this Act, means the provision as in force on Part 2 commencement day;

Part 2 commencement day means the day on which the *Liquor Control Amendment Act 2025* section 62 comes into operation.

(2) In this Division, a licence or permit is an ***existing*** licence or permit if it is in force immediately before Part 2 commencement day.

[Clause 1 inserted: No. 20 of 2025 s. 62; amended: No. 20 of 2025 s. 119.]

2. New licence provisions apply to existing licences

(1) New Part 3 Division 2 applies to an existing licence.

(2) Without limiting subclause (1) —

(a) new section 41A applies to an existing small bar licence; and

(b) new section 41B applies to an existing tavern restricted licence; and

(c) new section 44 applies to an existing casino liquor licence; and

(d) new section 56 applies to an existing producer's licence.

[Clause 2 inserted: No. 20 of 2025 s. 62.]

3. New permit provisions apply to existing permits

New section 60 applies to an existing permit.

[Clause 3 inserted: No. 20 of 2025 s. 62.]

4. Protection orders are business continuity orders

A protection order in force immediately before Part 2 commencement day is taken to be a business continuity order.

[Clause 4 inserted: No. 20 of 2025 s. 62.]

5. New permitted hours apply to existing licences

(1) New Part 4 Division 1 applies to an existing licence.

(2) Without limiting subclause (1) —

(a) new section 98 applies to an existing hotel licence; and

(b) new section 98AA applies to an existing small bar licence; and

(c) new section 98A applies to an existing nightclub licence; and

(d) new section 98B applies to an existing casino liquor licence; and

(e) new section 98E applies to an existing club licence and club restricted licence; and

(f) new section 98F applies to an existing restaurant licence; and

(g) new section 98G applies to an existing producer's licence.

[Clause 5 inserted: No. 20 of 2025 s. 62.]

Division 2 — Transitional provisions relating to *Liquor Control Amendment Act 2025* Part 3

[Heading inserted: No. 20 of 2025 s. 120.]

Subdivision 1 — Preliminary

[Heading inserted: No. 20 of 2025 s. 120.]

6. Terms used

In this Division —

new, in relation to a provision of this Act, means the provision as in force on Part 3 commencement day;

old, in relation to a provision of this Act, means the provision as in force immediately before Part 3 commencement day;

Part 3 commencement day means the day on which the *Liquor Control Amendment Act 2025* sections 70, 116, 120 and 121 come into operation.

[Clause 6 inserted: No. 20 of 2025 s. 120.]

Subdivision 2 — General

[Heading inserted: No. 20 of 2025 s. 120.]

7. Delegations

A person to whom a function of the Director was delegated under old section 15 is taken, on and from Part 3 commencement day, to have been delegated, subject to the same terms and conditions, the function under new section 7.

[Clause 7 inserted: No. 20 of 2025 s. 120.]

8. Authorisations

A person authorised to perform a function of the Director under old section 15 is taken, on and from Part 3 commencement day, to have been authorised, by an agreement under new section 8, to perform the function on behalf of the Director subject to the same terms and conditions.

[Clause 8 inserted: No. 20 of 2025 s. 120.]

9. Inspectors and identity documents

(1) A person who was an inspector under old section 14 is taken, on and from Part 3 commencement day, to be, subject to the same terms and conditions, an inspector under new section 9.

(2) A certificate of identity under old section 14(3) is taken, on and from Part 3 commencement day, to be, subject to the same terms and conditions, an identity card under new section 9.

[Clause 9 inserted: No. 20 of 2025 s. 120.]

10. Confidential police information

Information or documents classified as confidential police information under old section 30 are taken, on and from Part 3 commencement day, to be, subject to the same terms and conditions, confidential police information under new section 17.

[Clause 10 inserted: No. 20 of 2025 s. 120.]

11. References to old provisions taken to be references to corresponding new provisions

(1) A reference in a document under this Act to an old provision is taken, on and from Part 3 commencement day, to be a reference to the new provision that corresponds, or substantially corresponds, to the old provision.

(2) In subclause (1) —

document under this Act includes a document that is, or that is evidence of, an agreement, approval, authorisation, declaration, delegation, instrument, licence, notice, order, permit, record or return made under or for the purposes of this Act;

reference, to an old provision, includes a reference that, by a written law, is to be read, construed or treated as a reference to the old provision.

[Clause 11 inserted: No. 20 of 2025 s. 120.]

Subdivision 3 — Liquor Commission

[Heading inserted: No. 20 of 2025 s. 120.]

12. Abolition of Liquor Commission and repeal of *Liquor Commission Rules 2007*

On Part 3 commencement day —

(a) the Liquor Commission is abolished and its members go out of office; and

(b) the *Liquor Commission Rules 2007* are repealed.

[Clause 12 inserted: No. 20 of 2025 s. 120.]

13. Final annual report of Liquor Commission

(1) The Director must prepare a report (the ***final annual report***) on the activities of the Liquor Commission during the period —

(a) starting on the day of 1 July most recently before Part 3 commencement day; and

(b) ending on Part 3 commencement day.

(2) The Liquor Commission (and, following its abolition, its former members) must provide the Director all reasonable assistance, and access to information, documents, accounts or records, to facilitate the Director's preparation of the final annual report.

(3) The Director must submit the final annual report to the Minister within 3 months after Part 3 commencement day.

(4) The final annual report must include details of the number, nature and outcome of matters that were determined during the period referred to in subclause (1).

(5) The Minister must cause a copy of the final annual report to be laid before each House of Parliament within 28 days after submission of the report.

(6) Old section 9L applies, with any necessary modifications, to the final annual report.

[Clause 13 inserted: No. 20 of 2025 s. 120.]

14. Transfer day

Part 3 commencement day is the ***transfer day*** for the purposes of the *State Administrative Tribunal Act 2004* section 167(4).

[Clause 14 inserted: No. 20 of 2025 s. 120.]

Schedule 2 — Unincorporated clubs

[s. 49(1)(a)]

[Heading amended: No. 19 of 2010 s. 4.]

Division 1 — The Anzac Club

1. Terms used

In this Division —

club means the club known as the Anzac Club, which was registered as such under the *Licensing Act 1911* [5];

League means the body taken to be incorporated under the *Associations Incorporation Act 2015* as The Returned and Services League of Australia WA Branch Incorporated;

State Branch Headquarters means the premises of the League in Perth, known as Anzac House, and situate at 28 (formerly 30A) St George's Terrace;

State Executive means the State Executive of the League as from time to time constituted under, and elected or appointed in accordance with, the rules of the League.

[Clause 1 amended: No. 14 of 1996 s. 4; No. 47 of 2011 s. 17; No. 30 of 2015 s. 232; No. 20 of 2025 s. 67.]

2. Anzac Club

(1) Whilst the club is licensed under this Act and has its premises and conducts its business in the State Branch Headquarters —

(a) the management, conduct and control of the assets and property of the club and of its business and transactions are vested in the State Executive; and

(b) the State Executive is authorised to exercise and have that management, conduct and control subject to this Act insofar as is not inconsistent with this clause; and

(c) the net income from all sources arising from the carrying on, and from the business, of the club, as ascertained from time to time —

(i) remains the property of the League; and

(ii) may be used, applied or disposed of by the State Executive not only for the purposes of the club but for any other purpose for which the ordinary funds of the League may be used, applied or disposed of in accordance with the rules of the League;

and

(d) subject to paragraph (e), during the period for which the subscription to the League entitles the person to be a member of the League, a subscribing member of the League is —

(i) taken to be a subscribing member of the club, without payment of further subscription to the club; and

(ii) entitled, subject to the rules of the club, to enjoy all the privileges of the club;

and

(e) a person who is a member of the League and is unfinancial under the rules of the League is not entitled, and shall not be permitted or suffered, to enjoy the privileges of the club; and

(f) the rules of the club shall, insofar as they may be inconsistent with this clause, be read subject to this clause.

(2) Subclause (1) shall not be construed as preventing a person who is not a subscribing member of the League from being or becoming a member of the club in accordance with the rules of the club.

(3) If the club ceases to hold a club licence under this Act or is dissolved while the club premises are situated in the State Branch Headquarters, all the assets and property of the club thereupon, without conveyance, transfer, assignment or other assurance, become and shall thereafter remain the property of the League, absolutely.

(4) The club shall not be removed from the State Branch Headquarters and the business and transactions of the club shall not be carried on other than in that building, except by authority of a resolution duly carried by a three-fifths majority of the delegates present and voting at an Annual Congress of the League or at a special Congress of the League duly convened for the purpose and held in accordance with the rules of the League.

[Clause 2 amended: No. 20 of 2025 s. 67.]

Division 2 — The Air Force Association Club

1. Terms used

In this Division —

Association means the body taken to be incorporated under the *Associations Incorporation Act 2015* as the Australian Flying Corps and Royal Australian Air Force Association (Western Australia Division);

club means the club known as the Air Force Association (Western Australia Division) Club;

Committee of Management means the Division Committee of the Association as from time to time constituted under, and elected or appointed in accordance with, the rules of the Association.

[Clause 1 amended: No. 30 of 2015 s. 232; No. 20 of 2025 s. 67.]

2. Air Force Association (Western Australia Division) Club

(1) Whilst the club is licensed under this Act and has its premises and conducts its business in the State —

(a) the management, conduct and control of the assets and property of the club and its business and transactions are vested in the Committee of Management; and

(b) the Committee of Management is authorised to exercise and have that management, conduct and control subject to this Act insofar as is not inconsistent with this clause; and

(c) the net income from all sources arising from the carrying on, and from the business, of the club, as ascertained from time to time —

(i) remains the property of the Association; and

(ii) may be used, applied or disposed of by the Committee of Management not only for the purposes of the club but for any other purpose for which the original funds of the Association may be used, applied or disposed of in accordance with the rules of the Association;

and

(d) subject to paragraph (e), during the period for which the subscription to the Association entitles the person to be a member of the Association, a subscribing member of the Association, on payment of such further subscription as the Committee of Management with the approval of the Director may require, is —

(i) taken to be a subscribing member of the club; and

(ii) entitled, subject to the rules of the club, to enjoy all the privileges of the club;

and

(e) a person who is a member of the Association and is unfinancial under the rules of the Association is not entitled, and shall not be permitted or suffered, to enjoy the privileges of the club; and

(f) the rules of the club shall, insofar as they may be inconsistent with this clause, be read subject to this clause.

(2) Subclause (1) shall not be construed as preventing a person who is not a subscribing member of the Association from being or becoming a member of the club in accordance with the rules of the club.

[Clause 2 amended: No. 12 of 1998 s. 96; No. 73 of 2006 s. 105; No. 20 of 2025 s. 67.]

Schedule 3 — Reviewable decisions

[s. 172O(2)]

[Heading inserted: No. 20 of 2025 s. 121.]

Division 1 — Reviewable decisions under Part 3 (Licences and permits)

[Heading inserted: No. 20 of 2025 s. 121.]

1. Decisions about licences (other than occasional licences)

(1) A decision by the Director to —

(a) grant or refuse an application for —

(i) a licence; or

(ii) the removal of a licence; or

(iii) approval of the transfer of a licence;

or

(b) impose, vary or cancel a condition of a licence; or

(c) suspend a licence.

(2) In subclause (1) —

licence does not include an occasional licence.

[Clause 1 inserted: No. 20 of 2025 s. 121.]

2. Decisions about long-term extended hours permits

(1) A decision by the Director to —

(a) grant or refuse an application for a long-term extended hours permit; or

(b) impose, vary or cancel a condition of, or vary, a long-term extended hours permit; or

(c) suspend a long-term extended hours permit.

(2) In subclause (1) —

long-term extended hours permit means an extended trading permit issued (or to be issued) —

(a) for the purposes referred to in section 60(4)(g); and

(b) for a specified period exceeding 3 weeks.

[Clause 2 inserted: No. 20 of 2025 s. 121.]

3. Decisions not to approve appointment of trustees of unincorporated bodies

A decision by the Director under section 35A(3) not to approve the appointment of a person as a trustee to hold a licence on behalf of an unincorporated body of persons.

[Clause 3 inserted: No. 20 of 2025 s. 121.]

4. Decisions to replace tavern restricted licence with small bar licence

A decision by the Director under section 41B(3) to —

(a) cancel a tavern restricted licence; and

(b) grant a small bar licence.

[Clause 4 inserted: No. 20 of 2025 s. 121.]

5. Decisions to replace special facility licence with another licence

A decision by the Director under section 46B(2) to —

(a) cancel a special facility licence; and

(b) grant a licence of another class (with or without an extended trading permit).

[Clause 5 inserted: No. 20 of 2025 s. 121.]

6. Decisions about conditional grants and removals of licences

A decision by the Director under section 62 relating to the conditional grant or removal of a licence.

[Clause 6 inserted: No. 20 of 2025 s. 121.]

7. Imposition of conditions and penalties following contravention of licence conditions

(1) A decision by the Director under section 64(7)(a), following the contravention of a condition of a licence, to impose a more restrictive condition in relation to the licence.

(2) A decision by the Director under section 64(7)(b), following the contravention of a condition of a licence, to impose on the licensee a monetary penalty.

[Clause 7 inserted: No. 20 of 2025 s. 121.]

8. Decisions about petrol stations and packaged liquor

A decision by the Director to refuse an application for an order under section 65A(3).

[Clause 8 inserted: No. 20 of 2025 s. 121.]

9. Decisions about alterations or redefinitions of licensed premises

A decision by the Director under section 77(4) to approve, or not to approve —

(a) a proposed alteration of licensed premises; or

(b) the redefinition of licensed premises.

[Clause 9 inserted: No. 20 of 2025 s. 121.]

10. Decisions about interim authorisations

(1) A decision by the Director under section 86 in relation to an interim authorisation.

(2) Without limiting subclause (1) —

(a) a decision by the Director under section 86(2)(b) or (c), (3)(b) or (c), (5) or (6) to approve, or not to approve, a person to carry on the business of a licensee;

(b) a decision by the Director under section 86(4)(b) to acknowledge that a disability will be regarded as a permanent disability;

(c) a decision by the Director under section 86(10) to deem a licence to have been suspended.

[Clause 10 inserted: No. 20 of 2025 s. 121.]

11. Decisions about business continuity orders

(1) A decision by the Director under section 87 in relation to a business continuity order.

(2) Without limiting subclause (1) —

(a) a decision by the Director to grant, or refuse to grant, a business continuity order;

(b) a decision by the Director to impose, vary or cancel a term or condition in relation to a business continuity order;

(c) a decision by the Director under section 87(6)(a) to suspend the operation of a licence;

(d) a decision by the Director under section 87(7) to cancel a business continuity order granted under section 87(1)(c).

[Clause 11 inserted: No. 20 of 2025 s. 121.]

12. Decisions in disputes about leases

(1) A decision by the Director under section 89(a) to suspend the operation of a licence.

(2) A decision by the Director under section 89(b) to grant a business continuity order.

[Clause 12 inserted: No. 20 of 2025 s. 121.]

Division 2 — Reviewable decisions under Part 4 (Conduct of business)

[Heading inserted: No. 20 of 2025 s. 121.]

13. Decisions about managers' approvals

(1) In this clause —

manager's approval has the meaning given in section 102A.

(2) A decision by the Director under section 102B(1) not to approve a natural person as —

(a) an approved unrestricted manager; or

(b) an approved restricted manager.

(3) A decision by the Director under section 102C to impose or vary conditions on a manager's approval.

(4) A decision by the Director under section 102D(1)(a) to specify a later day on which a manager's approval takes effect.

(5) A decision by the Director under section 102D(2) not to renew a manager's approval.

(6) A decision by the Director under section 102F(2) to revoke, suspend, or impose conditions on, a manager's approval.

(7) A decision by the Director under section 102G to cancel a manager's approval.

[Clause 13 inserted: No. 20 of 2025 s. 121.]

14. Decisions about approving profit sharing agreements and arrangements

A decision by the Director under section 104(3) not to approve an agreement or arrangement under which a person other than the licensee may participate in the proceeds of the business carried on under a licence.

[Clause 14 inserted: No. 20 of 2025 s. 121.]

15. Decisions about lodgers' accommodation

A decision by the Director under section 105(3) not to approve a location at which a person who is accommodated is taken to be a lodger.

[Clause 15 inserted: No. 20 of 2025 s. 121.]

16. Lodgers' guests

(1) A decision by the Director under section 106(1)(b) to approve the number of adult guests of a lodger at a time liquor is consumed.

(2) A decision by the Director under section 106(3) to impose a condition relating to adult guests of lodgers.

[Clause 16 inserted: No. 20 of 2025 s. 121.]

17. Decisions about barring notices

A decision by the Commissioner of Police under section 115AA(2) to give a person a barring notice in respect of licensed premises, but only if the barring notice has effect for —

(a) 3 months or more; or

(b) a shorter period that, when added to the period of any barring notice previously given to the person in respect of the premises or premises of the particular class (as the case requires), results in the person being prohibited from those premises or that class of premises for a period of more than 3 months in any 12-month period.

[Clause 17 inserted: No. 20 of 2025 s. 121.]

18. Determination of complaints about licensed premises

A decision by the Director under section 117 to —

(a) determine a matter referred to in a complaint (other than by dismissal under section 117(3b)); or

(b) make an order (including an interim order); or

(c) do anything referred to in section 117(5) otherwise than by an order.

[Clause 18 inserted: No. 20 of 2025 s. 121.]

Division 3 — Reviewable decisions under Part 5A (Prohibition orders)

[Heading inserted: No. 20 of 2025 s. 121.]

19. Decisions about prohibition orders

(1) A decision by the Director under Part 5A relating to the making, variation or revocation of a prohibition order.

(2) Without limiting subclause (1) —

(a) a decision by the Director under section 152E(1)(a) to make a prohibition order;

(b) a decision by the Director under section 152E(1)(b) to refuse an application for a prohibition order;

(c) a decision by the Director under section 152E(4) to specify terms and conditions in a prohibition order;

(d) a decision by the Director under section 152J(1)(a) to vary or revoke a prohibition order;

(e) a decision by the Director under section 152J(1)(b) to refuse an application for the variation or revocation of a prohibition order.

[Clause 19 inserted: No. 20 of 2025 s. 121.]

Division 4 — Reviewable decisions under Part 5AA (Protected entertainment precincts)

[Heading inserted: No. 20 of 2025 s. 121.]

20. Decisions about reviewable short-term exclusion orders

(1) A decision by a police officer, or the Commissioner of Police, under Part 5AA Division 2 relating to the making or variation of, or the refusal of an application for the revocation of, a reviewable short-term exclusion order, but only if the order is in effect.

(2) Without limiting subclause (1) —

(a) a decision by a police officer under section 152ND(1) to make a reviewable short-term exclusion order, but only if the order is in effect;

(b) a decision by the Commissioner of Police under section 152NF(4)(a) (including a decision referred to in section 152NV(2)(a)) to vary a reviewable short-term exclusion order on application, but only if the order is in effect;

(c) a decision by the Commissioner of Police under section 152NF(4)(b) to refuse an application for the variation or revocation of a reviewable short-term exclusion order, but only if the order is in effect;

(d) a decision by the Commissioner of Police under section 152NF(5) to vary a reviewable short-term exclusion order on the Commissioner's own initiative, but only if the order is in effect.

(3) In subclauses (1) and (2) —

reviewable short-term exclusion order, in respect of a person, means a short-term exclusion order that has a duration of —

(a) 3 months or more; or

(b) a shorter period that, when added to the period of any short-term exclusion order previously made in respect of the person, results in the person being prohibited from entering or remaining in protected entertainment precincts for a period of 3 months or more in any 6-month period.

[Clause 20 inserted: No. 20 of 2025 s. 121.]

21. Decisions about extended exclusion orders

(1) A decision by the Director under Part 5AA Division 3 relating to the making, variation or revocation of an extended exclusion order.

(2) Without limiting subclause (1) —

(a) a decision by the Director under section 152NM(1)(a) to make an extended exclusion order on application;

(b) a decision by the Director under section 152NM(1)(b) to refuse an application for an extended exclusion order;

(c) a decision by the Director under section 152NM(5) to specify terms and conditions in an extended exclusion order;

(d) a decision by the Director under section 152NR(2)(a) (including a decision referred to in section 152NV(2)(b)) to vary or revoke an extended exclusion order on application;

(e) a decision by the Director under section 152NR(2)(b) to refuse an application for the variation or revocation of an extended exclusion order;

(f) a decision by the Director under section 152NS(1) to vary or revoke an extended exclusion order on the Director's own initiative.

[Clause 21 inserted: No. 20 of 2025 s. 121.]

Division 5 — Reviewable decisions under Part 5C (Banned drinkers)

[Heading inserted: No. 20 of 2025 s. 121.]

22. Police decisions about banned drinker orders

(1) A decision by a police officer, or the Commissioner of Police, under Part 5C Division 2 or 4, relating to the making, extension or revocation of a banned drinker order.

(2) Without limiting subclause (1) —

(a) a decision by a police officer to make a banned drinker order under any of the following provisions —

(i) section 152YE(1);

(ii) section 152YF(1)(a);

(iii) section 152YF(2)(a);

(iv) section 152YF(3)(a);

(b) a decision by the Commissioner of Police under section 152YJ(1)(a) to refuse an application to revoke a banned drinker order;

(c) a decision by a police officer under section 152YV(1) to extend a banned drinker order.

[Clause 22 inserted: No. 20 of 2025 s. 121.]

23. Director's decisions about banned drinker orders

(1) A decision by the Director under Part 5C Division 4 relating to the making, extension or revocation of a banned drinker order.

(2) Without limiting subclause (1) —

(a) a decision by the Director under section 152YR(2) to make a banned drinker order;

(b) a decision by the Director under section 152YR(3) to refuse an application for a banned drinker order;

(c) a decision by the Director under section 152YU(1)(a) to extend a banned drinker order on application;

(d) a decision by the Director under section 152YU(1)(b) to extend a banned drinker order on the Director's own initiative;

(e) a decision by the Director under section 152YW(1)(a) to revoke a banned drinker order on application;

(f) a decision by the Director under section 152YW(1)(b) to revoke a banned drinker order on the Director's own initiative.

[Clause 23 inserted: No. 20 of 2025 s. 121.]

Notes

This is a compilation of the *Liquor Control Act 1988* and includes amendments made by other written laws [10]. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
Liquor Licensing Act 1988 [6]	54 of 1988	9 Dec 1988	s. 1 and 2: 9 Dec 1988; Act other than s. 1 and 2: 1 Feb 1989 (see s. 2 and *Gazette* 27 Jan 1989 p. 263)
Financial Administration Legislation Amendment Act 1993 s. 11	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
Acts Amendment (Public Sector Management) Act 1994 s. 3(2)	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and *Gazette* 30 Sep 1994 p. 4948)
Statutes (Repeals and Minor Amendments) Act 1994 s. 4	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
Acts Amendment (Fines, Penalties and Infringement Notices) Act 1994 s. 22	92 of 1994	23 Dec 1994	1 Jan 1995 (see s. 2(1) and *Gazette* 30 Dec 1994 p. 7211)
Sentencing (Consequential Provisions) Act 1995 s. 66	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and *Gazette* 25 Oct 1996 p. 5632)
Local Government (Consequential Amendments) Act 1996 s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
Financial Legislation Amendment Act 1996 s. 64	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
Acts Amendment (Franchise Fees) Act 1997 Pt. 4	56 of 1997	12 Dec 1997	31 Jan 1998 (see s. 2 and *Gazette* 30 Jan 1998 p. 577)
Liquor Licensing Amendment Act 1998	12 of 1998	12 May 1998	s. 1 and 2: 12 May 1998; Act other than s. 1 and 2: 23 May 1998 (see s. 2 and *Gazette* 22 May 1998 p. 2921)

Short title	Number and year	Assent	Commencement
Reprint of the *Liquor Licensing Act 1988* as at 12 Jun 1998 (includes amendments listed above) (Correction in *Gazette* 31 Jul 1998 p. 3942)			
Liquor Licensing Amendment (Petrol Stations and Lodgers' Registers) Act 2000	23 of 2000	30 Jun 2000	s. 1 and 2: 30 Jun 2000; Act other than s. 1 and 2: 30 Sep 2000 (see s. 2 and *Gazette* 29 Sep 2000 p. 5533)
Courts Legislation Amendment Act 2000 Pt. 3 [7]	27 of 2000	6 Jul 2000	6 Jul 2000 (see s. 2(1))
Reprint of the *Liquor Licensing Act 1988* as at 23 Feb 2001 (includes amendments listed above)			
Corporations (Consequential Amendments) Act 2001 s. 220	10 of 2001	28 Jun 2001	15 Jul 2001 (see s. 2 and *Gazette* 29 Jun 2001 p. 3257 and Cwlth. *Gazette* 13 Jul 2001 No. S285)
Liquor Licensing Amendment Act 2001 [8]	26 of 2001	5 Dec 2001	s. 1 and 2: 5 Dec 2001; Act other than s. 1 and 2: 7 Jan 2002 (see s. 2 and *Gazette* 4 Jan 2002 p. 3)
Vexatious Proceedings Restriction Act 2002 s. 13	23 of 2002	18 Sep 2002	28 Sep 2002 (see s. 2 and *Gazette* 27 Sep 2002 p. 4877)
Acts Amendment (Equality of Status) Act 2003 Pt. 36	28 of 2003	22 May 2003	1 Jul 2003 (see s. 2 and *Gazette* 30 Jun 2003 p. 2579)
Public Transport Authority Act 2003 s. 151	31 of 2003	26 May 2003	1 Jul 2003 (see s. 2(1) and *Gazette* 27 Jun 2003 p. 2384)
Racing and Gambling Legislation Amendment and Repeal Act 2003 s. 173	35 of 2003	26 Jun 2003	30 Jan 2004 (see s. 2 and *Gazette* 30 Jan 2004 p. 397)
Statutes (Repeals and Minor Amendments) Act 2003 s. 78	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
Reprint 3: The *Liquor Licensing Act 1988* as at 23 Apr 2004 (includes amendments listed above)			
Acts Amendment (Court of Appeal) Act 2004 s. 37	45 of 2004	9 Nov 2004	1 Feb 2005 (see s. 2 and *Gazette* 14 Jan 2005 p. 163)
Courts Legislation Amendment and Repeal Act 2004 s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and *Gazette* 31 Dec 2004 p. 7128)

Short title	Number and year	Assent	Commencement
Criminal Law Amendment (Simple Offences) Act 2004 s. 82	70 of 2004	8 Dec 2004	31 May 2005 (see s. 2 and *Gazette* 14 Jan 2005 p. 163)
Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004 s. 80 and 82	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and *Gazette* 31 Dec 2004 p. 7129 (correction in *Gazette* 7 Jan 2005 p. 53))
Planning and Development (Consequential and Transitional Provisions) Act 2005 s. 15	38 of 2005	12 Dec 2005	9 Apr 2006 (see s. 2 and *Gazette* 21 Mar 2006 p. 1078)
Reprint 4: The *Liquor Licensing Act 1988* as at 9 Jun 2006 (includes amendments listed above)			
Criminal Investigation (Consequential Provisions) Act 2006 Pt. 10	59 of 2006	16 Nov 2006	1 Jul 2007 (see s. 2 and *Gazette* 22 Jun 2007 p. 2838)

Liquor and Gaming Legislation Amendment Act 2006 Pt. 2	73 of 2006	13 Dec 2006	s. 6(1)(b) and (u), 67, 68 and 107: 17 Dec 2006 (see s. 2(2) and *Gazette* 15 Dec 2006 p. 5661);
			s. 3-5, 6(1)(a), (c)-(t), (v)-(z), (2)-(4), 7-26, 28-66, 69-77, 79-82, 84-106 and 108-111: 7 May 2007 (see s. 2(2) and *Gazette* 1 May 2007 p. 1893);
			s. 78 and 83: 1 Aug 2007 (see s. 2(2) and *Gazette* 20 Jul 2007 p. 3629);
			s. 27: 14 Jun 2008 (see s. 2(2) and *Gazette* 13 Jun 2008 p. 2515)

Financial Legislation Amendment and Repeal Act 2006 s. 4	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and *Gazette* 19 Jan 2007 p. 137)
Reprint 5: The *Liquor Control Act 1988* as at 3 Jul 2007 (includes amendments listed above except those in the *Liquor and Gaming Legislation Amendment Act 2006* s. 27, 78 and 83)			
Legal Profession Act 2008 s. 675	21 of 2008	27 May 2008	1 Mar 2009 (see s. 2(b) and *Gazette* 27 Feb 2009 p. 511)

Short title	Number and year	Assent	Commencement
Food Act 2008 s. 148	43 of 2008	8 Jul 2008	24 Oct 2009 (see s. 2(1)(b) and (2) and *Gazette* 23 Oct 2009 p. 4157)
Acts Amendment (Bankruptcy) Act 2009 s. 51	18 of 2009	16 Sep 2009	17 Sep 2009 (see s. 2(b))
Reprint 6: The *Liquor Control Act 1988* as at 20 Nov 2009 (includes amendments listed above)			
Standardisation of Formatting Act 2010 s. 4	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and *Gazette* 10 Sep 2010 p. 4341)
Health Practitioner Regulation National Law (WA) Act 2010 Pt. 5 Div. 31	35 of 2010	30 Aug 2010	18 Oct 2010 (see s. 2(b) and *Gazette* 1 Oct 2010 p. 5075-6)
Public Sector Reform Act 2010 s. 89	39 of 2010	1 Oct 2010	1 Dec 2010 (see s. 2(b) and *Gazette* 5 Nov 2010 p. 5563)
Liquor Control Amendment Act 2010	56 of 2010	8 Dec 2010	s. 1 and 2: 8 Dec 2010; (see s. 2(a)); s. 3, Pt. 4-6: 17 Jan 2011 (see s. 2(b) and *Gazette* 31 Dec 2010 p. 6887); Pt. 2: 7 Jun 2011 (see s. 2(b) and *Gazette* 3 Jun 2011 p. 1975); Pt. 3: 8 Oct 2011 (see s. 2(b) and *Gazette* 7 Oct 2011 p. 4067)
Building Act 2011 s. 165	24 of 2011	11 Jul 2011	2 Apr 2012 (see s. 2(b) and *Gazette* 13 Mar 2012 p. 1033)
Personal Property Securities (Consequential Repeals and Amendments) Act 2011 Pt. 11 Div. 1	42 of 2011	4 Oct 2011	30 Jan 2012 (see s. 2(c) and Cwlth Legislative Instrument No. F2011L02397 cl. 5 registered 21 Nov 2011)
Statutes (Repeals and Minor Amendments) Act 2011 s. 17 and 27	47 of 2011	25 Oct 2011	26 Oct 2011 (see s. 2(b))
Reprint 7: The *Liquor Control Act 1988* as at 6 Jan 2012 (includes amendments listed above except those in the *Personal Property Securities (Consequential Repeals and Amendments) Act 2011*)			

Short title	Number and year	Assent	Commencement
Road Traffic Legislation Amendment Act 2012 Pt. 4 Div. 28	8 of 2012	21 May 2012	27 Apr 2015 (see s. 2(d) and *Gazette* 17 Apr 2015 p. 1371)
Criminal Organisations Control Act 2012 s. 178	49 of 2012	29 Nov 2012	2 Nov 2013 (see s. 2(b) and Gazette 1 Nov 2013 p. 4891)
Corruption and Crime Commission Amendment (Misconduct) Act 2014 s. 39	35 of 2014	9 Dec 2014	1 Jul 2015 (see s. 2(b) and *Gazette* 26 Jun 2015 p. 2235)
Associations Incorporation Act 2015 s. 222 and 232	30 of 2015	2 Nov 2015	1 Jul 2016 (see s. 2(b) and *Gazette* 24 Jun 2016 p. 2291-2)
Liquor Legislation Amendment Act 2015 Pt. 2 (other than s. 26)	35 of 2015	2 Nov 2015	Pt. 2 (other than s. 26): 20 Nov 2015 (see s. 2(b) and *Gazette* 17 Nov 2015 p. 4693)
Reprint 8: The *Liquor Control Act 1988* as at 4 Mar 2016 (includes amendments listed above except those in the *Associations Incorporation Act 2015*)			
Public Health (Consequential Provisions) Act 2016 s. 101 and Pt. 3 Div. 17	19 of 2016	25 Jul 2016	24 Jan 2017 (see s. 2(1)(c) and Gazette 10 Jan 2017 p. 165)
Local Government Legislation Amendment Act 2016 Pt. 3 Div. 20	26 of 2016	21 Sep 2016	21 Jan 2017 (see s. 2(b) and *Gazette* 20 Jan 2017 p. 648)
Liquor Control Amendment Act 2018	9 of 2018	13 Jul 2018	s. 1 and 2: 13 Jul 2018 (see s. 2(a)); s. 3, 4, 6, 7, 9, 11, 13-16, 19, 23, 24, 27-31, 33, 34, 37, 40-44, 47-52, 54, 55, 57-59, 61 and 64-70: 18 Aug 2018 (see s. 2(b) and *Gazette* 17 Aug 2018 p. 2893); s. 5, 8, 10, 12, 20-22, 25, 26, 32, 35, 38, 39, 46, 56, 60, 62(2) and 63: 3 Oct 2018 (see s. 2(b) and *Gazette* 2 Oct 2018 p. 3779); s. 17, 18 and 45: 2 Nov 2019 (see s. 2(b) and *Gazette* 1 Nov 2019 p. 3857); s. 53 and 62(1) and (3):

Short title	Number and year	Assent	Commencement
			18 Sep 2021 (see s. 2(b) and SL 2021/162 cl. 2); s. 36: 1 Feb 2022 (see s. 2(b) and SL 2021/198 cl. 2)
Heritage Act 2018 s. 185	22 of 2018	18 Sep 2018	1 Jul 2019 (see s. 2(b) and *Gazette* 27 Jun 2019 p. 2375)
Legal Profession Uniform Law Application Act 2022 s. 424	9 of 2022	14 Apr 2022	1 Jul 2022 (see s. 2(c) and SL 2022/113 cl. 2)
Liquor Control Amendment (Protected Entertainment Precincts) Act 2022 Pt. 2	44 of 2022	1 Dec 2022	24 Dec 2022 (see s. 2(b) and SL 2022/216 cl. 2)
Directors' Liability Reform Act 2023 Pt. 3 Div. 36	9 of 2023	4 Apr 2023	5 Apr 2023 (see s. 2(j))
Liquor Control Amendment (Banned Drinkers Register) Act 2023 Pt. 2 (other than Div. 3) [9]	25 of 2023	10 Nov 2023	14 Dec 2023 (see s. 2(b) and SL 2023/191 cl. 2)
Health Practitioner Regulation National Law Application Act 2024 Pt. 6 Div. 1	21 of 2024	14 May 2024	15 May 2024 (see s. 2(c))
Statutes (Repeals and Minor Amendments) Act 2025 s. 8	14 of 2025	25 Sep 2025	26 Sep 2025 (see s. 2(b))
Liquor Control Amendment Act 2025 Pt. 2 and 3	20 of 2025	12 Dec 2025	Pt. 2: 13 Dec 2025 (see s. 2(b)); Pt. 3: 1 Jul 2026 (see s. 2(c) and SL 2026/87 cl. 2)

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA legislation website.

Short title	Number and year	Assent	Commencement
Prostitution Amendment Act 2008 s. 32	13 of 2008	14 Apr 2008	To be proclaimed (see s. 2(b))

Short title	Number and year	Assent	Commencement
Liquor Legislation Amendment Act 2015 s. 26	35 of 2015	2 Nov 2015	To be proclaimed (see s. 2(b))
Public Health (Consequential Provisions) Act 2016 Pt. 5 Div. 12	19 of 2016	25 Jul 2016	To be proclaimed (see s. 2(1)(c))
Road Traffic Amendment (Disqualification Notices) Act 2026 Pt. 3 Div. 1	20 of 2026	28 Oct 2026	To be proclaimed (see s. 2(b))

Other notes

1 The provision in this Act repealing the *Liquor Act 1970* has been omitted under the *Reprints Act 1984* s. 7(4)(f).

2 Repealed by the *Public Sector Management Act 1994*.

3 *Rules of the Supreme Court 1971* Order 64 was deleted in *Gazette* 29 Apr 2005 p. 1793.

4 The *Liquor Licensing (Moratorium) Act 1983* expired on 30 June 1988 (see *Liquor Licensing (Moratorium) Order 1987* in *Gazette* 24 Dec 1987 p. 4533).

5 Repealed by the *Liquor Act 1970*, which was repealed by this Act.

6 Now known as the *Liquor Control Act 1988*; short title changed (see note under s. 1).

7 The *Courts Legislation Amendment Act 2000* s. 14 is a transitional provision that is of no further effect.

8 The *Liquor Licensing Amendment Act 2001* s. 5(2) and 6(2) are transitional provisions that are of no further effect.

9 The *Liquor Control Amendment (Banned Drinkers Register) Act 2023* Pt. 2 Div. 3 was deleted by the *Liquor Control Amendment Act 2025* s. 128 before it purported to come into operation.

10 The *Evidence Act 2025* s. 492(1) Table which amends the *Liquor Control Act 1988* s. 16(7) will not come into operation as the subsection it purported to amend was deleted by the *Liquor Control Amendment Act 2025* s. 70 on 1 Jul 2026 (see s. 2(c) and SL 2026/87 cl. 2)

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