

## EXPLANATORY MEMORANDUM

### *Liquor and Gaming Legislation Amendment Bill 2006*

#### OVERVIEW

The *Liquor and Gaming Legislation Amendment Bill 2006* represents the culmination of an extensive review and consultation process to reform Western Australia's liquor laws. The amendments made by the Bill support the Government's commitment to stimulating more innovation and choice for consumers, while at the same time promoting lower risk drinking environments and addressing alcohol-related anti-social behaviour. The reforms include measures to protect the health and safety of consumers and the public generally.

The reforms aim to strike a balance in determining what is in the best interests of the community in terms of services, harm minimisation and policing.

The major reforms of the *Liquor Licensing Act 1988* that are given effect in the Bill are:

- The establishment of a Liquor Commission to replace the Liquor Licensing Court;
- The creation of a public interest test to replace the needs test set out in section 38. Under this test, all applicants will be required to demonstrate that the application is in the public interest, and the licensing authority will be required to consider the application on the basis of its social, community, economic and health implications and/or benefits.
- The objects of the Act set out in section 5(2) in relation to the proper development of the industry have been included as a primary object. This will result in the licensing authority being explicitly bound to have regard for consumer requirements and the benefits of the grant of an application to the development of the industry. When determining an application or matter, the licensing authority will have to weigh and balance the competing arguments about the public interest, against all three primary objects with a view to achieving the best possible outcome.
- Metropolitan liquor stores will be able to trade from 10 am to 10 pm on a Sunday.

While the Bill amends the permitted trading hours of metropolitan liquor stores, in country areas, the status quo will continue; that is; the Director of Liquor Licensing may grant extended trading permits to liquor stores to trade on a Sunday.

- Section 41 (relating to hotel/tavern licences) and section 48 (relating to club licences) are amended to provide a regulation making power that will enable a reduction in trading hours for the purchase of packaged liquor, if it is demonstrated by evidenced based research that it is in the public interest to reduce the availability of packaged liquor.
- Section 50 is amended by removing the current 20 per cent restriction that applies to permits that allow consumption of liquor without a meal in restaurants. This will enable the licensing authority to grant a permit allowing up to 100 per cent of the available seating capacity of the restaurant to be used for consumption of liquor without a meal.

- Section 41 (relating to hotel licences) is amended to create a new on-premises licence type called the *Small Bar* licence.
- In relation to clubs, sections 48, 49 and 60 are amended to provide that:
  - reciprocal membership may be offered to members of like clubs in Western Australia, and to members of any club outside of Western Australia;
  - clubs (including club restricted licences) will be able to purchase liquor from any liquor merchant authorised to sell packaged liquor (other than a club licence);
  - subscription fees will be able to be levied on a monthly basis;
  - ‘*temporary membership*’ will be extended to include:
    - people who are visiting the club for a pre-arranged inter-club function, be it sport or other activity, that is consistent with the objects of the club; and
    - people who are members of another club that is visiting the host licensed club for a pre-arranged function involving the use of the club’s sporting facilities (eg: greens, courts etc); and
  - associations permits under section 60(4)(e) will be less restrictive.
- The Minister will be able to declare an event to be a “special event”. This declaration can provide that the event can relate to a specified period, specified days, or a specified area of the State, and can vary the operation of the Act and the police powers for the duration of that event. In terms of police powers, the Bill provides that during a special event and in a specified area, the police will be able to seize and immediately dispose of any unopened container of liquor. A general power to seize and immediately dispose of any opened container of liquor is also provided.
- Provision is made in the Liquor Licensing Act so that confidential police information can be provided to and considered by the licensing authority. This provision essentially mirrors the provisions of section 28A of the South Australian *Liquor Licensing Act 1997* which was enacted in 2005.

The confidentiality of this police information will be protected from disclosure to any person not authorised, including the person about whom the information relates.

The Bill also amends the *Gaming and Wagering Commission Act 1987* to provide the Gaming and Wagering Commission with similar authority to take confidential police intelligence into consideration when determining probity issues. The Gaming and Wagering Commission is the responsible regulatory body for administering the provisions of the:

- *Gaming and Wagering Commission Act*;
- *Betting Control Act*;
- *Casino Control Act*; and
- *Racing and Wagering Western Australia Act*.

- The licensing authority will be able to require a person in a position of authority to have his or her fingerprints and palm prints taken.

- The definition of “drunk” is amended to state that “*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.*”.
- The licensing authority is empowered to require all bar staff of licensed premises to be trained in responsible service of alcohol practices.
- The Governor, on the recommendation of the Minister, will be able to make regulations to create restrictions in respect to the possession and consumption of liquor, and provide for related enforcement provisions, in specified restricted area and communities (that is: not limited to Aboriginal communities).

In addition to the major reforms, the Bill also amends the Act to provide for a number of other matters, including those relating to: harm minimisation; law enforcement; and crowd control.

It is proposed to proclaim the Bill in stages with the first stage consisting of the majority of provisions. Those aspects of the Bill relating to incident registers; industry training; approved managers; and drinking water, will be proclaimed once regulations have been prescribed where necessary, and after a grace period of six to 12 months has expired. This will allow the industry time to adjust and make the necessary changes .

# LIQUOR AND GAMING LEGISLATION AMENDMENT BILL 2006

## CLAUSE NOTES

### Glossary of Abbreviations

Bill	<i>Liquor and Gaming Legislation Amendment Bill 2006</i>
GWC Act	<i>Gaming and Wagering Commission Act 1987</i>
Liquor Act	<i>Liquor Licensing Act 1988</i>

### Part 1 – Preliminary

<u>Clause 1:</u>	Cites the <i>Liquor and Gaming Legislation Amendment Bill 2006</i> as being the short title of this Act.
<u>Clause 2:</u>	In order to provide sufficient flexibility to establish the Liquor Commission and make the necessary regulations to support a number of the provisions in the Bill, the commencement provision specifies that the Bill will come into operation on a day fixed by proclamation and that different days may be fixed for the commencement of different provisions.

### Part 2 – Amendments to the *Liquor Licensing Act 1988*

<u>Clause 3:</u>	Identifies that Part 2 amends the <i>Liquor Licensing Act 1988</i> .
<u>Clause 4:</u>	Amends the long title of the Liquor Act to take into account the capacity for the licensing authority to prohibit certain persons from being employed at, or from entering, licensed premises.
<u>Clause 5:</u>	Amends the short title of the Liquor Act (section 1) such that the title will become the <i>Liquor Control Act 1988</i> .
<u>Clause 6:</u>	<p><u>Subclause 1:</u> as a consequence of the amendments, redundant definitions are deleted, and new definitions that support the amendments to the Liquor Act are inserted.</p> <p><u>Subclause 2:</u> amends the existing provision in section 3(2) to include the words “<i>or any device</i>” so as to ensure that the use of machines or other devices that produce alcoholic vapours or gases, or other innovative mechanisms for consuming liquor, are also covered by the Liquor Act.</p> <p><u>Subclause 3:</u> amends the definition of “<i>a position of authority in a body corporate</i>” so as to allow for regulations to prescribe various positions in relation to a corporate entity (such as directors and shareholders of shareholding companies) that may have a direct or indirect interest in the business under a licence, as “positions of authority”.</p> <p><u>Subclause 4:</u> inserts a definition of “<i>employee</i>” to capture persons engaged on a contract for various services, and a person holding a crowd controller’s licence who is engaged under a contract by the licensee. This will then mean that these people are also liable, as employees, for offences under the Act.</p>

<u>Clause 7</u>	<p>Inserts a definition for “drunk” to provide that a person is drunk if the person is on licensed or regulated premises and their speech, balance, co-ordination or behaviour is noticeably impaired, and it is reasonable to believe at that time that the person’s impairment results from the consumption of liquor.</p> <p>This will remove the defence that allows offenders to create a reasonable doubt by suggesting that the impairment of a person’s speech, balance, co-ordination or behaviour may have been caused by other factors such as drugs, fatigue, or mental aberration.</p>
<u>Clause 8</u>	<p>Repeals section 4(8). The regulations now provide for an exemption from the Act for liquor sales to Western Australians by licensed liquor merchants in the eastern States. Therefore, section 4(8) has become redundant.</p>
<u>Clause 9</u>	<p><u>Subclause 1:</u> elevates the objects of the Liquor Act set out in section 5(2)(a) and (2)(c), in an amended form, to become a primary object. These objects relate to catering for the requirements of consumers, having regard to the proper development of the liquor industry, tourism industry and other hospitality industries.</p> <p><u>Subclause 2:</u> confirms that the objects set out in section 5(2) of the Liquor Act are secondary to the primary objects in section 5(1). This subclause also amends the secondary objects to provide that it is an object of the Act to facilitate the use of premises, including their use and development for the playing of live original music industry.</p> <p>Consequential amendments to the secondary objects resulting from subclause 1 are also made by this subclause.</p> <p><u>Subclause 3:</u> inserts a provision that when determining a matter under the Act, if there is conflict between the primary and secondary objects of the Act, then the primary objects are to always take precedence.</p>
<u>Clause 10</u>	<p><u>Subclause 1:</u> amends section 7 of the Liquor Act to remove the reference to the Licensing Court, replacing that with reference to the Commission.</p> <p><u>Subclause 2:</u> repeals section 7(3) and (4) and inserts instead new provisions relating to the jurisdiction of the Director of Liquor Licensing.</p>
<u>Clause 11</u>	<p>Repeals Part 2 Division 2 relating to the structure of the Licensing Authority, and inserts a new Division 2 relating to the structure and operation of the Liquor Commission. This new Division identifies the Commission’s jurisdiction, constitution, rules, reporting requirements, and other administrative matters such as the appointment of members and remuneration.</p>
<u>Clause 12</u>	<p><u>Subclause 1:</u> repeals section 13(1). The “director of liquor licensing” will now be the chief executive officer of the department of the Public Service principally assisting in the administration of the Liquor Act.</p> <p><u>Subclauses 2 and 3:</u> amends section 13(2) and (3) to remove the references to the Judge of the Liquor Licensing Court, replacing those with references to the Liquor Commission and its members.</p>

	<p><u>Subclause 4:</u> inserts a new subsection (3a) which provides that the functions of the Director as a chief executive officer under the <i>Public Sector Management Act 1994</i> are not limited by the Act.</p> <p><u>Subclause 5:</u> repeals section 13(4) and inserts a new subsection (4) relating to the manner in which the Director shall exercise his/her jurisdiction.</p>
<u>Clause 13</u>	<p><u>Subclause 1:</u> amends section 16(1)(b) to support the amendments made by subclauses 2 through to 6.</p> <p><u>Subclause 2:</u> repeals section 16(7) and (8) and inserts new subsections (7) and (8) relating to the treatment of evidence in proceedings of the licensing authority however constituted; and the nature of hearings before the Commission. Hearings before the Commission will be in private unless the Commission determines otherwise. This is consistent with the current provisions as they relate to hearing before the Director of Liquor Licensing.</p> <p><u>Subclauses 3 and 4:</u> makes consequential amendments to subsections 16(9) and (10) which support the change made by subclause 2.</p> <p><u>Subclause 5:</u> makes consequential amendments to section 16(11) resulting from clause 27 which relates to confidential police information.</p> <p><u>Subclause 6:</u> amends section 16(14) by deleting “licensee or manager” and inserting instead “person”. This will result in the registrar of a court being required to give notice to the Director of Liquor Licensing of any convictions of persons for offences under the Liquor Act.</p>
<u>Clause 14</u>	<p><u>Subclauses 1, 2 and 3:</u> amend section 18 by deleting references to the judge and the Rules of Court, and replacing those with references to a member; the chairperson; and rules of the Commission.</p>
<u>Clause 15</u>	<p>Inserts a new section 18A relating to the enforcement of decisions in respect of summons for the purposes of giving evidence before the licensing authority. This new provision supports the change made by clause 16.</p>
<u>Clause 16</u>	<p><u>Subclauses 1 and 2:</u> repeal section 19(1) and amend section 19(2) to remove references to orders for the payment of costs. Costs determined by the Liquor Commission will be recoverable under section 21(2).</p>
<u>Clause 17</u>	<p><u>Subclause 1:</u> amends section 20(1) relating to contempt, by deleting references to the Judge and replacing those with references to a member; and by inserting provision that the chairperson of the Commission may apply to the District Court for contempt in proceedings before the licensing authority, to be dealt with as if it were a contempt of the District Court.</p>

	<p><u>Subclause 2:</u> inserts a new subsection (1a) to provide that a person punished for an offence relating to contempt, is not liable to be punished twice for that offence.</p> <p><u>Subclause 3:</u> deletes references to the Judge and replaces those with a reference to a member.</p>
<u>Clause 18</u>	Repeals subsection 21(3) which relates to the Liquor Licensing Court Judge having the same powers in relation to the payment of costs as a Judge of the Supreme Court.
<u>Clause 19</u>	Amends section 22 to remove the references to the Liquor Licensing Court Judge and the Court, replacing those with references to the Commission.
<u>Clause 20</u>	Amends the heading in Part 2 Division 6 so as to replace the reference to the Court with a reference to the Commission.
<u>Clause 21</u>	<p>Amends section 24 by inserting a new subsection (2) which provides for the constitution of the Commission when hearing and determining a matter referred to it by the Director of Liquor Licensing. In essence, this clause requires that the Commission must be constituted as a panel of 3 where the matter relates to: an application for the grant or removal of a licence; the making, variation or revocation of a prohibition order; or the chairperson of the Commission so determines.</p> <p>Consequential amendments to support this change are also made to subsection (1).</p>
<u>Clause 22</u>	<p><u>Subclause 1:</u> inserts new subsections 25(2a), (2b), (2c) and (2d) to provide for the conduct of reviews of decisions of the Director, by the Liquor Commission.</p> <p>(2a) – provides that a review of a decision of the Director to cancel a licence may only be made on a question of law;</p> <p>(2b) – provides that the Commission, when undertaking a review of the Director’s decision, must be constituted by a panel of 3 if the decision relates to: the grant or removal of a licence; or a prohibition order under Part 5A. Discretion is provided for the Chairperson to vary this if Part 2 Division 2 allows a lesser number of members in a particular type of matter;</p> <p>(2c) – provides that the Commission may only have regard for the same evidence and submissions as were provided to the Director; and</p> <p>(2d) – provides that when the Commission is reviewing a decision involving a question of law, the panel must include the member who is a legal practitioner.</p> <p><u>Subclause 2:</u> amends subsection 25(5) to exclude from review, decisions relating to the imposition, variation or cancellation of a condition of an extended trading permit or an occasional licence; and the cancellation or suspension of an extended trading permit or an occasional licence.</p>

	<p><u>Subclause 3:</u> inserts a new subsection 25(5a) to provide that applications for the grant of a prescribed kind of extended trading permit (that is: ongoing hours) are subject to the review provisions.</p>
<u>Clause 23</u>	<p>Repeals section 26, which relates to the decision of the Director being given effect unless otherwise directed, and inserts a new section 26 which provides that the decisions of the Director are to be given effect unless the Liquor Commission determines otherwise.</p>
<u>Clause 24</u>	<p>Amends section 27(2) relating to cases stated on a question of law, by deleting reference to the Court of Appeal and inserting instead provision that cases may only be stated on a question of law to a single judge of the Supreme Court.</p>
<u>Clause 25</u>	<p><u>Subclause 1:</u> repeals subsections 28(1), (2) and (3), and inserts new subsections that identify the circumstances under which aggrieved persons may appeal a decision of the Commission.</p> <p>No appeal lies against a decision of the Commission as constituted by a panel of three, unless it is to a single Judge of the Supreme Court and only on a question of law. However, there is to be no appeal against a decision of three members, if that decision was made on the basis of confidential police information.</p> <p>Appeals of a decision by a single member may only be made to a panel of three – no further right of appeal exists thereafter. Further, no right of appeal lies against a decision of a single member if the decision resulted from a review of the Director’s decision made under section 25.</p> <p><u>Subclause 2:</u> provides that an appeal against a decision of the Commission constituted by three members shall only be heard by a single judge of the Supreme Court.</p> <p><u>Subclause 3:</u> inserts a new subsection (4a) which provides that appeals of a decision by a single member must be heard by a panel of three members, one of whom must be a legal practitioner.</p> <p><u>Subclause 4:</u> repeals section 28(5) and inserts a new subsection (5) and (6) which make provision for how the Supreme Court and the Commission may dispose of appeals.</p>
<u>Clause 26</u>	<p>Amends section 29 by inserting a reference to the Commission. This section relates to the effect of decisions pending an appeal.</p>



Clause 27

Repeals Part 2 Division 7 and replaces that with a new Division 7 and section 30 relating to confidential police information. This particular amendment is fundamental to law and order reforms that aim to protect the integrity of the liquor industry in Western Australia.

This new Division provides that confidential police information may be considered by the licensing authority in its determinations.

The information declared by the Commissioner of Police as confidential is anticipated to be information that would normally be exempt from disclosure under the *Freedom of Information Act 1992*. For example, it may include information that if disclosed could -

- prejudice an investigation;
- enable the existence, or non-existence, or identity of any confidential source of information, to be discovered;
- endanger the life or physical safety of any person; or
- endanger the security of any property.

This information is expected to primarily come from the State Intelligence Service, the Bureau of Criminal Intelligence, Protective Services Unit, Witness Security Unit or Internal Affairs Unit of the Police Force of Western Australia.

This new Division prohibits the disclosure or publication to any person, of information declared by the Commissioner of Police to be confidential. It also provides that if the licensing authority refuses an application; withdraws approval of an approved manager; takes disciplinary action; or makes a prohibition order, on the basis of that information, the licensing authority is not required to give reasons other than that the decision is made in the public interest.

The Clause provides that the Commissioner of Police is not required to serve a copy of any notice of objection or intervention where that objection or intervention is made on the basis of confidential information.

It requires that in any proceedings before the Director, the Commission or a court, all reasonable steps are to be taken to maintain the confidentiality of this police information.

Further, this Division provides that any appeals of decisions of the licensing authority made on the basis of this confidential information, are to be heard in closed session, in the absence of the person about whom the information relates.

<u>Clause 28</u>	<p>Repeals section 33(6a) and replaces that with new subsections (6a), (6b) and (6c). These subsections provide that:</p> <ul style="list-style-type: none"> <li>▪ when determining whether an applicant is a fit and proper person, the character and reputation of any person associated with the applicant, may be taken into consideration;</li> <li>▪ the applicant must, unless the Director otherwise approves, successfully complete an approved course in the management of licensed premises and in the responsible service of liquor; and</li> <li>▪ that regulation may be made modifying the training requirements in relation to an occasional licence.</li> </ul>
<u>Clause 29</u>	<p><u>Subclause 1:</u> amends section 35B(3) to provide that the approval of a manager may be withdrawn if that manager has not successfully completed an approved course in the management of licensed premises and in the responsible service of liquor. The Director is empowered to waive or modify this requirement.</p> <p><u>Subclause 2:</u> makes consequential amendments that support the provisions made under clause 27.</p> <p><u>Subclause 3:</u> inserts a new subsection 35B(7) that provides that regulations may be made modifying the training requirements for approved managers in relation to an occasional licence.</p>
<u>Clause 30</u>	<p><u>Subclause 1:</u> makes consequential amendments to section 37(4) that support the provisions made by Clause 69 which requires an approved manager to be present on the licensed premises at all times that the premises is open for trade.</p> <p><u>Subclause 2:</u> inserts a new subsection 37(6) which provides that the condition requiring the licensee to have exclusive tenure of the licensed premises, continues to apply during any period that a licence may be suspended.</p>
<u>Clause 31</u>	<p>Inserts a new section 37B which provides that the licensing authority may, for the purposes of identification, require a person in a position of authority to have his/her fingerprints and palm prints taken by a member of the Police Force.</p> <p>This new section also sets out provisions for the destruction of those prints, and identifies the consequences of failing to comply with a requirement of the licensing authority in this regard.</p>
<u>Clause 32</u>	<p>Deletes the heading Part 3 Division 2 and inserts a new heading "Division 2 – Licences".</p>
<u>Clause 33</u>	<p>Repeals section 38 and replaces it with a new section 38 relating to the public interest test. This new section will apply to the following application categories:</p> <ol style="list-style-type: none"> <li>1. the grant or removal of a licence; or</li> <li>2. extended trading permits of a kind prescribed; or</li> <li>3. any other application considered appropriate by the Director.</li> </ol>

	<p>Under this section, applicants will be required to satisfy the licensing authority that the grant of the application is in the public interest.</p> <p>Subsection (4) provides that when determining an application the licensing authority may have regard to the following principal factors –</p> <ul style="list-style-type: none"> <li>a) the harm, or ill-health that may be caused to people, or any group of people due to the use of liquor; and</li> <li>b) the impact on the amenity of the locality within which the licensed premises, or proposed licensed premises, are to be situated;</li> <li>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</li> <li>d) any other matter that may be prescribed.</li> </ul> <p>Where an application for the grant or removal of a licence is refused on the basis that it is not in the public interest, another application cannot be made in respect of those same premises within three years, unless the Director certifies that the proposal is sufficiently different from the first application. This provision is the same as the existing section 38(5) and is therefore re-inserted into the new section 38.</p> <p>Decisions by the Director in relation to which other applications the test is to apply to, and in relation to section 38(5) above, are not subject to review.</p>
<p><u>Clause 34</u></p>	<p><u>Subclause 1:</u> inserts section 41(1aa) which provides for a new type of hotel licence that is to be known as a small bar licence. These licences will be subject to conditions that:</p> <ul style="list-style-type: none"> <li>- prohibit the sale of packaged liquor; and</li> <li>- restricting the maximum number of persons who may be on the licensed premises to 120, or some other prescribed number.</li> </ul> <p><u>Subclause 2:</u> makes consequential amendments to section 41(1)(a) supporting the change made by subclause 1.</p> <p><u>Subclause 3:</u> amends section 41(2) to remove the obligation on a hotel licence to receive people. It also makes consequential amendments to support subclause 1.</p> <p><u>Subclause 4:</u> inserts a new subsection 41(2a) which provides that regulations may be made that reduce the permitted hours that a licensee may sell packaged liquor under a hotel licence. This would only occur where compelling evidence based research demonstrates that it is in the public interest to do so.</p> <p>Any proposed regulations are subject to disallowance by the Parliament.</p>

	<p><u>Subclause 5:</u> repeals section 41(4) thereby removing the obligation on a hotel licensee to provide meals to lodgers and replaces it with provision for the licensing authority to impose a meal requirement, if the circumstances in a particular case warrant such a condition of licence.</p> <p><u>Subclause 6:</u> makes consequential amendments that support the changes made by subclause 3.</p>
<u>Clause 35</u>	<p>Inserts a new subsection 46(1a) that provides that it is not a sufficient reason to grant a special facility licence on the basis that an approval under another written law cannot be obtained. For example: a local government authority will not issue planning approval in respect of a particular class of licence.</p>
<u>Clause 36</u>	<p>Inserts new subsections 46A and 46B to clarify that a special facility licence cannot be varied to such an extent that a licence of another class, with or without permits, would achieve the same purpose. This clause also provides that if the licensing authority does not grant or vary a special facility licence because a licence of another class, with or without permits, would achieve the same purpose, than the licensing authority may treat that application as though it were an application for the grant or variation of a licence of another class.</p> <p>Further, the new provision allows the licensing authority to cancel a special facility licence and grant the licensee a licence of another class.</p>
<u>Clause 37</u>	<p>Deletes the heading to Part 3 Division 3. This division relates to Category B licences. The changes made by clause 33 removed any distinction between category A and B licences.</p>
<u>Clause 38</u>	<p><u>Subclause 1:</u> makes consequential amendments to section 48(1)(b) to support the changes made by subclause 5.</p> <p><u>Subclause 2:</u> makes consequential amendments to section 48(2) to support the changes made by subclause 3.</p> <p><u>Subclause 3:</u> inserts a new subsections 48(2a) which provides that regulations may be made that reduce the permitted hours that a licensee may sell packaged liquor under a club licence. This would only occur where compelling evidence based research demonstrates that it is in the public interest to do so.</p> <p><u>Subclause 4:</u> repeals section 48(5) and inserts a new provision that extends '<i>temporary membership</i>' to include:</p> <ul style="list-style-type: none"> <li>- people who are visiting the club for a pre-arranged inter-club function, be it sport or other activity, that is consistent with the objects of the club; and</li> <li>- people who are members of another club that is visiting the host licensed club for a pre-arranged function involving the use of the club's sporting facilities (eg: greens, courts etc).</li> </ul> <p><u>Subclause 5:</u> repeals section 48(8) which restricts a club restricted licences to purchasing their liquor from hotels or liquor stores situated within 8 kilometres of the club premises.</p>

<u>Clause 39</u>	<p>Amends section 49(3) to:</p> <ul style="list-style-type: none"> <li>(a) remove the reference to “unduly large” memberships and replaces that with a provision that allows the licensing authority to impose a limit on membership numbers, having regard to the nature of the club;</li> <li>(b) insert a provision that allows for reciprocal memberships to be offered in accordance with the regulations;</li> <li>(c) to provide for the payment of subscription fees by club members on an annual, half-yearly, quarterly or monthly basis; and</li> <li>(d) make consequential amendments to support (a) to (c) above.</li> </ul>
<u>Clause 40</u>	<p><u>Subclause 1:</u> amends section 50(1a) to remove the current 20 per cent restriction that applies to permits that allow consumption of liquor without a meal. Permits under this provision will be subject to any conditions imposed on the permit by the licensing authority and as may be prescribed in the regulations. This will enable the licensing authority to grant a permit allowing up to 100 per cent of the available seating capacity of a restaurant to be used for consumption of liquor without a meal.</p> <p>This subclause also amends section 50(1a) so as to require that under a permit that allows the consumption of liquor without a meal, all patrons must be seated at a table or a fixed structure used as a table.</p> <p><u>Subclause 2:</u> makes consequential amendments to support subclause 1 and inserts a condition of licence that a restaurant must contain kitchen facilities suitable for the preparation of meals.</p>
<u>Clause 41</u>	<p><u>Subclause 1:</u> amends section 55(1)(a)(iii) to remove the restriction that limits beer sold for consumption off the licensed premises by a producer to an aggregate quantity per person of not less than 9 litres. This will allow a beer producer to sell beer, for consumption off the licensed premises, in any quantity.</p> <p><u>Subclause 2:</u> inserts a provision that will allow a producer to go to the licensed premises of another licensee, and provide a sample for tasting there to the licensee of that licensed premises and its approved manager and employees, with the aim of obtaining an order for that liquor product.</p>
<u>Clause 42</u>	<p><u>Subclause 1:</u> inserts a provision in section 58 that will allow a wholesaler to go to the licensed premises of another licensee, and provide a sample for tasting there to the licensee of that licensed premises and its approved manager and employees, with the aim of obtaining an order for that liquor product.</p> <p><u>Subclause 2:</u> amends section 58(3)(b) to confirm that the primary and predominant purpose of a wholesaler licence is the sale of liquor to another liquor merchant.</p>

<p><u>Clause 43</u></p>	<p><u>Subclause 1:</u> amends section 60(1) to provide that an extended trading permit is subject to any conditions imposed at the discretion of the Director.</p> <p><u>Subclause 2:</u> inserts a provision to provide that in addition to conditions specifically imposed by the Director, an extended trading permit for consumption of liquor without at meal at a restaurant, and for ongoing extended hours, is also subject to any conditions that may be prescribed in the regulations.</p> <p><u>Subclause 3:</u></p> <ul style="list-style-type: none"> <li>(a) amends section 60(4) to confirm that extended trading permits may only be issued for those purposes provided for by section 60(4);</li> <li>(b) amends subsection (cb) to allow a permit to be granted to cover several special occasions in the one permit;</li> <li>(c) amends subsection (e) to allow associations permits to be granted in such circumstances as the Director determines and provides that under the associations permit, 5 person may be introduced to the club as guests;</li> <li>(d) amends subsection (g) to provide that an extended hours permit may be granted for a period not exceeding 5 years; and</li> <li>(e) inserts a new subsection (i) which allows for other purposes of permits to be prescribed.</li> </ul> <p><u>Subclause 4:</u> repeals subsection (5) which allows the licensing authority unfettered discretion to grant a permit for any purpose.</p> <p><u>Subclause 5:</u> makes consequential amendments to section 60(7) to support the amendments made by subclauses 1 to 6.</p> <p><u>Subclause 6:</u> inserts a new provision that allows the licensing authority to cancel an extended trading permit at any time if satisfied that the permit is no longer appropriate.</p>
<p><u>Clause 44</u></p>	<p>Inserts a new section 61A which provides that the regulations may limit the hours that may be authorised by way of an extended trading permit under section 60(4)(g).</p>
<p><u>Clause 45</u></p>	<p>Makes consequential amendments to section 63 to support the changes made by clauses 67 and 68 in respect of permitted trading hours.</p>
<p><u>Clause 46</u></p>	<p><u>Subclause 1:</u> inserts a new subsection (1a) into section 64 to confirm that the licensing authority may impose, vary or cancel a condition of licence on its own motion; on application by the licensee; or at the request of a recognised Liquor Accord. A definition of a “liquor accord” is also inserted.</p> <p><u>Subclause 2:</u> inserts a provision that requires a licensee to show cause why a condition should not be imposed, varied or cancelled.</p> <p><u>Subclause 3:</u> inserts a provision in section 64(3) to allow the licensing authority to impose a condition to prohibit entry after a certain time. This is known as a “lockout” condition.</p>

	<p><u>Subclause 4</u>: repeals section 64(5) which is no longer necessary as a consequence of amendments made by clause 75.</p> <p><u>Subclause 5</u>: inserts a new provision that confirms that action under section 64 is not to be fettered by any argument that this provision is a “disciplinary action”.</p>
<u>Clause 47</u>	Inserts a new section 65B that allows regulations to be prescribed in relation to the responsible promotion of liquor; and which may require that any licence or any class of licence is subject to these prescribed conditions.
<u>Clause 48</u>	Repeals section 67(1), (2), (3) and (4) and inserts instead a provision that allows the Director to require any matter to be advertised in a manner specified by the Director.
<u>Clause 49</u>	Inserts a new section 68(2a) requiring that an application for the grant of a licence may only be made by the person or persons who intend to carry on the business under the licence if granted.
<u>Clause 50</u>	<p><u>Subclauses 1 to 3</u>: make consequential amendments to section 69 to support the change made by clause 48.</p> <p><u>Subclause 4</u>: amends section 69(6)(c) to provide that the Commissioner of Police may intervene in proceedings before the licensing authority on any ground relevant to the public interest.</p> <p><u>Subclause 5</u>: repeals section 69(8a) and inserts instead a provision that confirms the right of intervention by the Executive Director of Public Health, and requires the Executive Director to provide a report to the licensing authority if requested, on matters relevant to the harm or ill-health caused to people due to the use of liquor.</p> <p><u>Subclause 6</u>: inserts provision into section 69(11) that confirms that the Director may intervene in any proceedings before the Commission.</p>
<u>Clause 51</u>	Repeals section 71. This section relates to affected areas which are no longer relevant, given the changes made by clause 33.
<u>Clause 52</u>	<p><u>Subclause 1</u>: repeals section 72(1) and inserts instead a provision that requires freehold owner’s consent only in respect of applications for alteration or redefinition of licensed premises.</p> <p><u>Subclause 2</u>: repeals section 72(6) consequential to the amendment made by subclause 1.</p>
<u>Clause 53</u>	<p><u>Subclause 1</u>: repeals section 73(2) and inserts instead a provision that confers a right of objection on any person, on any ground permitted by section 74.</p> <p><u>Subclause 2 and 3</u>: make consequential amendments to support subclause 1; and to reference the confidential police information provided for in the changes made by clause 27.</p>
<u>Clause 54</u>	Makes consequential amendments to section 74 to support the changes made by clause 33 and 53.

<u>Clause 55</u>	Amends section 75 to provide that an application for the grant of an occasional licence may be lodged not later than 14 days or some other prescribed period, before the licence is to take effect.
<u>Clause 56</u>	<u>Subclause 1:</u> amends section 76(1) to provide that an application for the grant of an extended trading permit of the kind prescribed, may be lodged not later than 14 days or some other prescribed period, before the permit is to take effect.  <u>Subclause 2:</u> inserts a provision that confirms a decision in respect of an extended trading permit, unless of a kind prescribed, is not subject to an appeal.
<u>Clause 57</u>	<u>Subclause 1:</u> Amends section 77(3) to delete subsection (3)(a)(i) and remove the word “substantial” in (3)(a)(ii) so that only applications that result in an increase or decrease in the licensed area, or a change in use of an area of the licensed premises, require the prior approval of the Director.  <u>Subclause 2:</u> repeals section 77(6) due to the changes made by clause 48.
<u>Clause 58</u>	Makes consequential amendments to section 80 in support of the changes made by clause 48.
<u>Clause 59</u>	<u>Subclause 1:</u> repeals section 81(4) consequential to the changes made by clause 48.  <u>Subclause 2:</u> inserts a new subsection 81(6) to provide that a removal of licence cannot be made in respect of conditionally granted licences.
<u>Clause 60</u>	Makes a technical amendment to section 84(3)(a). Transfers of licence applications are not advertised and therefore, no last day of objection is specified.
<u>Clause 61</u>	Makes consequential amendments to section 86 in support of the changes made by clause 48.
<u>Clause 62</u>	Makes consequential amendments to section 87 in support of the changes made by clause 48; and removes the exclusion that applies to liquor stores in relation to protection orders.
<u>Clause 63</u>	Makes a technical amendment by repealing section 90. The Act was amended in 1998 to remove obligatory trading hours. Therefore, applications for suspension of licence have become redundant.
<u>Clause 64</u>	<u>Subclause 1:</u> amends section 91 to provide that the Director may suspend a licence where he/she considers it in the public interest to do so.  <u>Subclause 2:</u> inserts a new subsection 91(2) to provide that the Director may suspend the licence if the licensee has ceased to occupy the licensed premises to the exclusion of others.



<u>Clause 65</u>	<p><u>Subclauses 1 and 2:</u> amends section 93 to provide that the Director may cancel a suspended licence (after the relevant period has expired) where the licensee does not intend to resume the business on the premises or on the site of the premises for which the licence was granted. A definition of “relevant period” has been inserted.</p> <p><u>Subclause 3:</u> repeals subsection 93(3) consequential to the change made by subclauses 1 and 2.</p>
<u>Clause 66</u>	<p>Amends section 95 to make reference to the provisions of the new subsection 30(5) on confidential police information, and provides that when hearing a complaint, the Commission must be constituted by a panel of 3 members and must include a member who is a legal practitioner.</p>
<u>Clause 67</u>	<p>Makes consequential amendments to section 97 to support the changes made by clause 68.</p>
<u>Clause 68</u>	<p>Inserts new sections 98 to 98H which set out the permitted trading hours for licences under the Act. As opposed to the current section 97 layout, these new sections identify the permitted trading hours under the heading of each specific licence type. No change is made to the permitted trading hours other than for:</p> <ul style="list-style-type: none"> <li>▪ metropolitan liquor stores – which will be able to trade on Sunday from 10 am to 10pm;</li> <li>▪ nightclubs – where the hours on Monday, Tuesday, Wednesday and Thursday are reduced by one hour; that is; the permitted hours will be from 6 pm to 5 am the following day;</li> <li>▪ nightclubs – where New Year’s Eve falls on a Sunday evening, the licensee will be permitted to trade until 6 am the following morning.</li> </ul>
<u>Clause 69</u>	<p><u>Subclause 1:</u> inserts new subsections 100(2a) and (2b) to provide that an approved manager must be present at the licensed premises any time that business is being conducted and that this requirement does not apply where the licensee (being a natural person) is present. This compliments the provisions of section 35B(6) which enable the Director to approve more than one person as a manager of a licensed premises.</p> <p>The penalty provisions for non-compliance have also been increased.</p> <p><u>Subclauses 2 and 3:</u> make consequential amendments to support the change made by subclause 1.</p>
<u>Clause 70</u>	<p>Amends section 102 to provide that a person who has already been approved as a person in a position of authority in respect of a body corporate may increase or decrease their shareholding without prior approval, provided notice of the change in shareholding is provided within 14 days. Provision is also made that a body corporate that holds a licence is also liable for offences relating to changes of the structure of the body corporate without the prior approval of the Director. Penalty provisions apply.</p>

<u>Clause 71</u>	<p>Inserts Division 3A and section 103A relating to responsible practices in selling and supplying liquor. This Division provides that regulations may be made:</p> <ul style="list-style-type: none"> <li>(a) requiring persons engaged in the sale, supply and service of liquor to undertake training in the responsible service of alcohol;</li> <li>(b) requiring the licensee to maintain a register detailing each staff member's name and a copy of their certificate showing completion of the required training; and</li> <li>(c) to provide for transitional arrangements for the successful completion of this training requirement.</li> </ul> <p>Penalty provisions for non-compliance are also inserted.</p>
<u>Clause 72</u>	<p>Amends section 104 by inserting a new subsection (3a) to provide that any profit sharing arrangement or agreement cannot authorise any person other the licensee to conduct the business under a licence; and cannot modify the responsibilities or obligations of a licensee under the Act.</p>
<u>Clause 73</u>	<p>Repeals section 105(1), (2), (4), (5), (6), (7) and (8) thereby removing the obligation on a licensee to maintain a lodgers register.</p>
<u>Clause 74</u>	<p>Amends section 106(1)(b) to remove the restriction on the number of guests that a lodger may have with them on licensed premises, and instead inserts provision that the number shall not be more than a number approved by the Director.</p>
<u>Clause 75</u>	<p>Repeals and replaces section 108. This amendment supports the change made by clause 35(3) which removed the obligation to receive people onto the premises. The provision requiring a licensee to exhibit its charges for meals and liquor has been reinserted in section 108.</p>
<u>Clause 76</u>	<p>Amends section 109 by increasing the penalty for selling liquor without a licence from \$10,000 to \$20,000.</p>
<u>Clause 77</u>	<p>Amends section 110(6) to provide that a person who has purchased liquor for consumption ancillary to a meal eaten at the licensed premises, may remove any unconsumed portion of that liquor from the licensed premises.</p>
<u>Clause 78</u>	<p>Inserts section 113A which requires that a licensee, which maintains a website that advertises or promotes the business carried on under the licence, and the licence is a prescribed class licence, must comply with any prescribed regulations relating to the minimum information to be included on that website. Penalty provisions apply.</p>
<u>Clause 79</u>	<p>Amends section 114(1) to confirm that the Police can require the licensee to cease the sale of liquor, including the sale of packaged liquor, in order to prevent civil disorder, a breach of the peace or otherwise in the interests of maintaining the peace or ensuring public safety.</p>

<p><u>Clause 80</u></p>	<p><u>Subclause 1:</u> makes minor technical amendments to section 115(1), and inserts a provision such that it is an offence for the licensee to permit or suffer any activity which contravenes another written law, to occur on the licensed premises.</p> <p><u>Subclause 2:</u> amends section 115(2) to create an offence for a person in respect of regulated premises, to—</p> <ul style="list-style-type: none"> <li>▪ sell or supply liquor to a drunk person;</li> <li>▪ allow or permit a drunk person to consume liquor;</li> <li>▪ obtain or attempt to obtain liquor for consumption by a drunk person; or</li> <li>▪ aid a drunk person in obtaining or consuming liquor.</li> </ul> <p>Consequential amendments are made to section 115(2) to support this primary change.</p> <p>The penalty provisions for non-compliance have also been increased.</p> <p><u>Subclause 3:</u> sections 115(3), (3a) and (4) are repealed and replaced by new subsections which:</p> <ol style="list-style-type: none"> <li>(a) create a defence to a charge of selling and supplying liquor to a drunk person, where the person charged was instructed by a person in a position of authority to sell or supply that liquor;</li> <li>(b) empower an authorised person to refuse entry, refuse to sell liquor to, and require a person to leave the licensed premises;</li> <li>(c) empower an authorised person to remove a person from licensed premises using such force as may be reasonably necessary; and</li> <li>(d) set out the grounds on which an authorised person may exercise this power of refusal and removal.</li> </ol> <p><u>Subclause 4:</u> deletes section 115(5)(b) and inserts instead offence provisions which support the amendments made by subclause 3.</p> <p><u>Subclause 5:</u> repeals section 115(6) and inserts instead offence provision for a person who, having been refused entry or removed from the licensed premises, remains in the vicinity of the licensed premises.</p> <p>The penalty provisions for non-compliance have also been increased.</p> <p><u>Subclause 6:</u> makes consequential amendments that support the changes made by subclause 3.</p> <p><u>Subclause 7:</u> repeals section 115(9) and inserts instead a provision that confirms that nothing in section 115 limits a licensee’s right to refuse a person entry to the premises or to remove that person from the premises.</p>
<p><u>Clause 81</u></p>	<p>Inserts section 115A which requires that a licensee must ensure that free drinking water is provided at all times that liquor is sold or supplied for consumption on the licensed premises. Penalty provisions apply.</p>

<u>Clause 82</u>	Makes consequential amendments to section 116 that support the change made by clause 69.
<u>Clause 83</u>	Inserts section 116A which requires the licensee to maintain an incident register that contains information as is prescribed in the regulations. Provision is also made that requires this register to be made available for inspection by an authorised officer. Penalty provisions apply for non-compliance.
<u>Clause 84</u>	Deletes the heading of Part 4 Division 7 and inserts the new heading "Complaints to Director".
<u>Clause 85</u>	<p><u>Subclause 1:</u> makes minor technical amendments to section 117(1) and deletes the show cause provision. However, this show cause provision is re-inserted in the new subsection (4a) as a consequence of the change made by subclause 4.</p> <p><u>Subclause 2:</u> inserts subsection (2a) to provide that unless the Director otherwise approves, a complaint must be signed by 3 unrelated adults. A definition of unrelated adults is inserted.</p> <p><u>Subclause 3:</u> inserts new subsections (3a) and (3b) which require that attempts must be made in the first instance to settle a complaint by way of negotiation and conciliation, and that the Director may dismiss a complaint if it is frivolous or vexatious.</p> <p><u>Subclause 4:</u> repeals section 117(4) and inserts instead provisions relating to the manner in which a complaint is to be determined and which require the licensee to show cause why an order should not be made. Further, this subclause identifies the matters to which the Director may have regard when determining a complaint.</p>
<u>Clause 86</u>	Amends section 119(4) to remove the qualification that only makes it an offence to consume liquor on a road within the boundaries of the metropolitan area or a town or townsite. It will now be an offence to consume liquor on any road within the meaning of the Road Traffic Act. The penalty provisions for non-compliance have also been increased.
<u>Clause 87</u>	Inserts Division 8A and section 119A relating to the conduct of unapproved businesses on or from the licensed premises. This clause makes it an offence without the approval of the licensing authority for a person to conduct business on licensed premises, other than the business under the licence. The offence is created for both the person conducting the unapproved business, and the licensee. The penalty is \$10,000 in the case of the licensee and \$4,000 in any other case.
<u>Clause 88</u>	<p><u>Subclause 1:</u> makes technical amendments to section 121(5) to support the changes made by clause 92. The penalty provisions for non-compliance have also been increased.</p> <p><u>Subclause 2:</u> inserts a provision that creates an offence for a person who has been removed from or required to leave a licensed premises, to remain in the vicinity of the premises. Penalty provisions apply.</p>

	<p><u>Subclause 3:</u> inserts a provision that allows a juvenile to be employed at a licensed premises in the sale and supply of liquor if:</p> <ul style="list-style-type: none"> <li>(a) the juvenile is 16 years of age;</li> <li>(b) is enrolled in an accredited hospitality course delivered by a “Vocational Educational and Training” provider as defined by the <i>Vocation Education and Training Act 1996</i>;</li> <li>(c) the liquor is provided ancillary to a meal; and</li> <li>(d) the juvenile is supervised at all times; and</li> <li>(e) the activity the student/trainee is undertaking will be assessed for the purposes of an accredited hospitality qualification.</li> </ul>
<u>Clause 89</u>	Amends section 122(2) to create an offence to permit a juvenile to consume liquor or be in possession of liquor on regulated premises. Penalty provisions apply.
<u>Clause 90</u>	Makes technical amendments to section 123 and inserts a new provision that makes it an offence for a juvenile to be in possession of liquor in any place or premises to which the public is permitted. Penalty provisions apply.
<u>Clause 91</u>	<p><u>Subclause 1:</u> inserts new provisions in section 126 that allow forged or suspect evidence of age to be seized or confiscated by an authorised person, and identifies that the seized evidence of age must be dealt with in accordance with the regulations.</p> <p><u>Subclause 2:</u> inserts offence provisions in section 126 for a person who, having been refused entry or removed from the licensed premises, to remain in the vicinity of the licensed premises. Penalty provisions apply.</p>
<u>Clause 92</u>	Inserts sections 126A and 126B to provide for the lodgement and subsequent approval of an application allowing unaccompanied juveniles on licensed premises where entertainment is provided solely for the juveniles. This clause sets out the circumstances under which these types of applications may be approved. Consequential amendments are also made to section 104(2) to support this change.
<u>Clause 93</u>	<p>Inserts Division 10 and section 126C, 126D and 126E.</p> <p>Section 126C makes provision that a crowd controller is an authorised person for the purposes of removing a person from the licensed premises, only where the licensee has given express written approval for the crowd controller to perform that duty. That approval can be withdrawn at any time by the licensee.</p> <p>Section 126D provides for the prescription of regulations to declare a specified product to be an undesirable liquor product, thereby banning that product from sale or distribution. This section sets out the circumstances under which the Minister may recommend to the Governor that a product be banned. It also identifies the consultation process that the Minister must follow.</p>

	Section 126E provides that the Minister may declare an event to be a “special event”. That declaration may have operation during a specified period and in relation to a specified area of the State. The declaration may also modify prescribed provisions of the Act in relation to extended trading permits under section 60(4)(g) and police powers under section 155.
<u>Clause 94</u>	Amends section 127 to confirm that the annual prescribed licence fee is payable whether or not the licence is under suspension.
<u>Clause 95</u>	Makes technical amendments to section 128 to provide that annual licence fees may be prescribed broadly by licence type or by reference to the licence type and any current extended trading permits attached to the licence.
<u>Clause 96</u>	Amends the heading of Part 5 Division 3 to refer to the Commission, as opposed to the Court.
<u>Clause 97</u>	<p>Inserts Part 5A and sections 152A to 152L. This Part relates to prohibition orders which empower the Director, on application by the Commissioner of Police, to prohibit a person from being employed on licensed premises or from entering licensed premises.</p> <p>The new sections identify:</p> <ul style="list-style-type: none"> <li>▪ the evidence that must be submitted in support of an application;</li> <li>▪ the notice that is to be given to the relevant person;</li> <li>▪ the nature of the prohibition order that the Director may make;</li> <li>▪ the terms of the prohibition order;</li> <li>▪ the process for variation or revocation of an order;</li> <li>▪ notification of requirements; and</li> <li>▪ the consequences for failing to comply with an order.</li> </ul> <p>Penalty provisions also apply.</p>
<u>Clause 98</u>	<p>Amends section 155 to provide members of the Police Force with the power to:</p> <ul style="list-style-type: none"> <li>▪ seize and immediately dispose of any opened or unopened container of liquor in the possession of a person in an area covered by a special event declaration; and</li> <li>▪ seize and immediately dispose of an opened container of liquor in a person’s possession in a place to which section 119 applies.</li> </ul>
<u>Clause 99</u>	Amends section 165 by inserting a definition of “employee”. This confirms that a licensee is liable for an offence by an employee, including a person engaged on a contract, and a crowd controller.
<u>Clause 100</u>	Repeals sections 167(5a). This will enable other proceedings to be brought against a person for an offence, notwithstanding the withdrawal of an infringement notice on the basis of a technical deficiency.
<u>Clause 101</u>	Makes consequential amendments to section 172(6) to reflect the change from the Liquor Licensing Court and the Judge, to the Liquor Commission and its members.

<u>Clause 102</u>	<p>Inserts sections 175(1a) and (1b) which provide that the Governor, on the recommendation of the Minister, may make regulations that declare an area of the State to be a restricted area, thereby restricting or prohibiting the bringing of, and possession and consumption of, liquor in that area. The regulations may also prescribe that members of the Police Force have additional powers in respect to the seizure and disposal of containers of liquor. Penalty Provisions may be applied.</p> <p>Subsection (1b) sets out the consultation process that the Minister must follow prior to making such a recommendation to the Governor.</p> <p>The penalty provisions for non-compliance with the requirements of section 175 have also been increased.</p>
<u>Clause 103</u>	Inserts section 177A relating to transitional provisions.
<u>Clause 104</u>	Inserts Schedule 1A relating to the transitional provisions for the Bill.
<u>Clause 105</u>	Amends Schedule 2 to remove reference to the specific address details of the Air Force Association.
<u>Clause 106</u>	Identifies the provisions throughout the Act that are amended by removing the word "Court" and inserting instead the word "Commission".
<u>Clause 107</u>	Identifies the provisions throughout the Act that are amended by removing the word "cabaret" and inserting instead the word "nightclub".
<u>Clause 108</u>	Identifies the provisions throughout the Act in relation to guest accommodation that are amended by removing the word "residential" and inserting instead the word "guest".
<u>Clause 109</u>	Identifies the provisions throughout the Act in relation to the use of reasonable force, which are amended by removing the words "may be" and inserting instead the word "reasonably".
<u>Clause 110</u>	Identifies the offence penalty amounts throughout the Act that are being increased. The penalties throughout the Act have reviewed because most have been at the current levels since the commencement of the Act in 1988; and by current standards, these amounts are low.
<u>Clause 111</u>	Amends those provisions throughout the Act in relation to the approved forms. Essentially, this clause deletes references to the prescribed forms and replaces those with references that provide for matters to be lodged in a form approved by the Director.

### Part 3 – Amendments to the *Gaming and Wagering Commission Act 1987*

<u>Clause 112</u>	Identifies that Part 3 amends the <i>Gaming and Wagering Commission Act 1987</i> .
<u>Clause 113</u>	<p>Inserts Division 7 and section 20A relating to confidential police information. This particular clause mirrors the change to the Liquor Act made by clause 27. This new Division 7 provides that confidential police information may be considered by the Gaming and Wagering Commission in its determinations. It prohibits the disclosure or publication to any person, of information declared by the Commissioner of Police to be confidential.</p> <p>This Division also provides that if the Gaming and Wagering Commission refuses to grant or issue or renew; or amends, suspends cancels or revokes any permit, approval, certificate, licence or authorisation, on the basis of that information, the Commission is not required to give reasons other than that the decision is made in the public interest. It requires that in any proceedings before the Gaming and Wagering Commission, the Commission or a court, must take all reasonable steps to maintain the confidentiality of this police information.</p> <p>Further, this Division provides that any appeals of decisions of the Gaming and Wagering Commission made on the basis of this confidential information, are to be heard in closed session, in the absence of the person about whom the information relates.</p>

### Part 4 – Amendments to other Acts

<u>Clause 114</u>	Identifies various other Acts that are amended by removing reference to the <i>Liquor Licensing Act 1988</i> and inserting instead the <i>Liquor Control Act 1988</i> .
<u>Clause 115</u>	Identifies various other Acts that are amended by removing reference to the <i>Liquor Act 1970</i> and inserting instead the <i>Liquor Control Act 1988</i> .
<u>Clause 116</u>	Amends the <i>Constitution Acts Amendment Act 1899</i> by deleting the provisions relating to the Liquor Licensing Court Judge, and inserting a reference to the establishment of the Liquor Commission under the item referring to the Legislative Review and Advisory Committee.
<u>Clause 117</u>	Makes consequential amendments to the <i>Equal Opportunity Act 1984</i> by deleting the provisions relating to the Liquor Licensing Court Judge.