Liquor Control Act 1988

Liquor Control Amendment Regulations
(No. 3) 2021

SL 2021/163

Made by the Governor in Executive Council.

1. Citation

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

2. Commencement

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published in the Gazette;

(b) the rest of the regulations — on the day on which the Liquor Control Amendment Act 2018 section 53 comes into operation.

3. Regulations amended

These regulations amend the Liquor Control Regulations 1989.

4. Regulations 16AA to 16AD inserted

After regulation 16 insert:

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

(1) In this regulation —

*town* means land that is a townsite as defined in the Land Administration Act 1997 section 3(1).

(2) For the purposes of this regulation, a reference to a town means the town and the area within 20 km of the boundaries of that town.

(3) For the purposes of section 109A(2) of the Act, a kind of liquor specified in the Table, in a quantity corresponding to that kind in the Table, is prescribed for —

(a) the towns of Broome, Derby, Fitzroy Crossing, Halls Creek, Kununurra and Wyndham; and
(b) the area within 5 km of an area of the State that is —

(i) within the local government district of Broome, Derby-West Kimberley, Halls Creek or Wyndham-East Kimberly; and

(ii) declared to be a restricted area for the purposes of section 175(1a) of the Act.

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

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

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

(a) persons who are —

   (i) staying at a place that is at least 40 km from their usual place of residence for a period of at least 1 night; and

   (ii) intending to stay away from their usual place of residence for a period of less than 12 months; and

   (iii) not in the course of travelling on a regular journey between their usual place of residence and their place of work or education; and

   (iv) travelling in the course of a holiday or for leisure, business, to visit friends or relatives, or for any other reason; and

   (v) not usually residents of the local government district of Broome, Derby-West Kimberly, Halls Creek or Wyndham-East Kimberly;

(b) farmers, including —

   (i) holders of pastoral leases (as defined in the *Land Administration Act 1997* section 3(1)); and

   (ii) owners or operators of businesses involving horticulture, viticulture, apiculture, aquaculture, poultry farming, dairy farming or any other form of agriculture or primary production; and

   (iii) employees of persons referred to in subparagraphs (i) and (ii);

(c) operators of, or employees or contractors on, worksites —
(i) in the mining, energy or infrastructure industries; and

(ii) on which there are no licensed premises.

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

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

(a) a vehicle being operated by a licensee;

(b) a vehicle being operated by a person referred to in regulation 16AB;

(c) a vehicle being driven by a police officer in the course of duty.

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

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

\[ A = Q \times O \]

where —

A is the amount;

Q is the quantity prescribed under regulation 16AA(3) for the kind of liquor;

O is —

(a) unless paragraph (b) applies, the number of occupants of the vehicle who are legally entitled to purchase liquor;

(b) if the number of occupants of the vehicle who are legally entitled to purchase liquor exceeds 5 — 5.

V. MOLAN, Clerk of the Executive Council.