

Liquor Control Amendment Regulations (No. 2) 2021

SL 2021/207

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Liquor Control Amendment Regulations (No. 2) 2021*.

2. Commencement

These regulations come into operation on the day on which the *Liquor Control Amendment Act 2018* section 36 comes into operation.

3. Regulations amended

These regulations amend the *Liquor Control Regulations 1989*.

4. Regulation 3A amended

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

liquor restricted premises has the meaning given in section 152N;

restricted area means an area of the State declared for the purposes of section 175(1a) to be a restricted area;

5. Regulation 8 amended

- (1) In regulation 8(1)(c) delete “the sale” and insert:

subject to subregulation (1AA), the sale

- (2) After regulation 8(1) insert:

- (1AA) Subregulation (1)(c) does not apply in relation to the sale or supply of liquor together with flowers, food or other products to be delivered as a gift —
- (a) in a restricted area; or
 - (b) to liquor restricted premises.

6. Regulation 8CA amended

Delete regulation 8CA(2)(d)(iii) and insert:

- (iii) a restricted area;

7. Regulation 10C inserted

After regulation 10B insert:

10C. Prescribed requirements for sale and delivery of packaged liquor or liquor for consumption off licensed premises (Act s. 65(1)(b))

- (1) For the purposes of section 65(1)(b), the requirements relating to the sale and delivery from licensed premises of packaged liquor or liquor for consumption off the licensed premises are set out in this regulation.
- (2) The licensee must ensure that —
 - (a) if the sealed containers in which the liquor is delivered are contained in a box, carton or other package — the box, carton or package is labelled, marked or stamped with —
 - (i) the name and address of the purchaser; and
 - (ii) the name and address of the vendor;
 - or
 - (b) in any other case — the sealed containers in which the liquor is delivered are each labelled, marked or stamped as described in paragraph (a).
- (3) The licensee must ensure that the liquor is not left with a person unless —
 - (a) the person produces evidence that the person has reached 18 years of age; and
 - (b) if the delivery is made on the day on which the liquor is purchased — the person is the purchaser or the purchaser's nominee.
- (4) Evidence for the purposes of subregulation (3)(a) consists of —
 - (a) a current Australian driver's licence with a photograph; or
 - (b) a current passport; or
 - (c) a document referred to in regulation 18A(1A).

- (5) The licensee must ensure that the liquor is not left with a person if —
 - (a) the speech, balance, coordination or behaviour of the person appears to be noticeably impaired; and
 - (b) there are reasonable grounds to suspect that the impairment results from the consumption of liquor.
- (6) The licensee must ensure that the liquor is not left unattended at premises unless —
 - (a) the delivery is made on a day other than the day on which the liquor is purchased; and
 - (b) the purchaser authorises the liquor to be left unattended at the premises; and
 - (c) the liquor is left in an area that is not visible to passers-by.
- (7) The licensee must ensure that the liquor is not delivered —
 - (a) in a restricted area; or
 - (b) to liquor restricted premises at which a notice is displayed under section 152S.
- (8) The licensee must ensure that the liquor is delivered at a time that is —
 - (a) within the permitted hours, if any, under the licence; and
 - (b) in any case —
 - (i) if the delivery is made on the day on which the liquor is purchased — between the hours of 9 am and midnight; and
 - (ii) otherwise — between the hours of 6 am and midnight.
- (9) If the delivery is made on the day on which the liquor is purchased, the licensee must ensure that the liquor is delivered by a person who has completed successfully a course of training or an assessment —
 - (a) in responsible practices in the sale, supply and service of liquor; and
 - (b) approved by the Director for the purposes of this subregulation.

8. Regulation 16AA amended

Delete regulation 16AA(3)(b)(ii) and insert:

(ii) a restricted area.

V.MOLAN, Clerk of the Executive Council.