

LEGISLATIVE COUNCIL

LIQUOR CONTROL REFORM AMENDMENT BILL 2021

(Amendments to be proposed in Committee by Mr GRIMLEY)

1. Heading to clause 17, omit "**and 18D**" and insert "**, 18D and 18E**".
2. Clause 17, page 16, after line 13 insert—
 - "(ca) keeps any prescribed records in relation to orders placed online where liquor was not delivered because to do so would contravene a provision of this Act; and".
3. Clause 17, page 19, line 14, omit 'conditions.'" and insert "conditions.".
4. Clause 17, page 19, after line 14 insert—

'18E Review of section 18C

 - (1) The Minister must review the operation of section 18C to determine—
 - (a) its effectiveness in reducing the risk of harm connected with the supply and delivery of liquor through orders placed online; and
 - (b) whether it meets the objects of this Act; and
 - (c) the effect of emerging trends and technologies related to the supply of liquor through orders placed online; and
 - (d) whether any additional measures should be taken to minimise the risk of harm related to the supply of liquor through orders placed online.
 - (2) A review under subsection (1) must be conducted as soon as practicable 18 months after section 18C comes into operation.
 - (3) A report on the outcome of a review under subsection (1) must be tabled in each House of Parliament as soon as practicable but no later than 24 months after section 18C comes into operation.".
5. Clause 22, line 22, omit "750" and insert "400".
6. Heading to clause 42, omit "**and 109C**" and insert "**, 109BA, 109C and 109D**".
7. Clause 42, page 31, after line 3 insert—

"109BA Delivery person must complete approved responsible service of alcohol program

 - (1) On and from 1 September 2022, the following persons must ensure that liquor is delivered by a person who has completed an approved

responsible service of alcohol program within the period of 3 years prior to the date on which the liquor is delivered—

- (a) the licensee;
- (b) a person who is responsible under a contract for the delivery of liquor on behalf of a licensee, whether the contract is directly or indirectly with the licensee or another person.

Penalty: 60 penalty units.

- (2) Subsection (1) does not apply to a person who physically delivers the liquor unless that person is the licensee."

8. Clause 42, page 31, line 11, omit 'units.'" and insert "units."

9. Clause 42, page 31, after line 11 insert—

'109D Licensee must not financially penalise person responsible for delivery if liquor not delivered to intoxicated persons, etc.

- (1) A licensee who supplies liquor by an order placed online must not financially penalise the person responsible for the delivery of the liquor if the person responsible for the delivery refused to deliver the liquor on the grounds that—

- (a) the person who placed the order is intoxicated or there is a substantial risk of intoxication in respect of that person; or
- (b) the delivery person was unable to comply with the requirements of section 18C(2)(b), (2)(c), (3A)(d) or (3A)(e); or
- (c) to do so would contravene section 119A.

Penalty: 120 penalty units.

- (2) In this section—

financially penalise includes withholding or delaying payment or commission, a reduction in hours of employment, or any other action which has a negative financial impact."