



New South Wales

Liquor Amendment (Dine-or-Drink Authority) Regulation 1998

under the
Liquor Act 1982

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 1982*.

J. RICHARD FACE. M.P.,
Minister for Gaming and Racing.

Explanatory note

Recent amendments to the *Liquor Act 1982* provide for the endorsement of a dine-or-drink authority on on-licences relating to restaurants. The authority enables up to 30 per cent of dining seats in a restaurant to be used for the consumption of liquor otherwise than in conjunction with a meal.

The object of this Regulation is to provide for certain matters relating to a dine-or-drink authority including the following:

- (a) the advertising of applications for an authority.
- (h) the prescribing of certain conditions of an authority.
- (c) the notices to be displayed at a restaurant with an authority.

The Regulation also provides for the advertising of applications for the extension of trading hours of certain nightclubs that previously held restaurant "cabaret" licences.

This Regulation is made under the *Liquor Act 1982*, including section 156 (the general regulation-making power) and various other provisions referred to in the Regulation.

Liquor Amendment (Dine-or-Drink Authority) Regulation 1998

1 Name of Regulation

This Regulation is the *Liquor Amendment (Dine-or-Drink Authority) Regulation 1998*.

2 Commencement

This Regulation commences on 1 November 1998.

3 Amendment of Liquor Regulation 1996

The *Liquor Regulation 1996* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 15 Definition

Insert after paragraph (c) of the definition of *application*:

- (c1) an application for a dine-or-drink authority that is made in conjunction with an application for an on-licence relating to a restaurant (being an on-licence on which the authority is intended to be endorsed), or

[2] Clause 15, definition of "application"

Insert "or under clause 63 of Schedule 1 to the Act" after "Act" in paragraph (f1).

[3] Clause 16 Applications to be advertised in newspapers

Insert after clause 16 (3):

- (4) For the purposes of subclause (1), an application for a dine-or-drink authority (as referred to in paragraph (c1) of the definition of *advertisement* in clause 15) and an application for an on-licence to which the authority relates may be contained in the same advertisement.

[4] Part 3, heading

Insert "and dine-or-drink authorities" after "licences".

[5] Clause 20 Prohibited names

Insert ", restaurant the On-licence relating to which is endorsed with a dine-or-drink authority" after "nightclub" in clause 20 (2) (a).

[6] Clause 20 (5)

Omit "that has an authorised reception area".

Insert instead "the on-licence relating to which is endorsed with a dine-or-drink authority, or for a restaurant that has an authorised reception area.".

[7] Part 3, Division 2A

Insert after Division 2 of Part 3:

Division 2A Dine-or-drink authority

24A Definition

For the purposes of this Division, a *licensee* means the holder of an on-licence relating to a restaurant, being an on-licence that is endorsed with a dine-or-drink authority.

24B Records of food and liquor sales

For the purposes of section 23AD (3) of the Act, it is a condition of a dine-or-drink authority that:

- (3) the licensee maintains proper and accurate records that show the total monthly liquor sales and the total monthly food sales for the restaurant to which the authority relates, and
- (b) such records are made available for inspection on request by a police officer or special inspector at any reasonable time.

24C Advertising of restaurant

For the purposes of section 23AD (3) of the Act, it is a condition of a dine-or-drink authority that the licensee is not to advertise the restaurant to which the authority relates in a manner that is inconsistent with the primary purpose of the premises, as referred to in section 23 (2A) of the Act (including, for example, advertising the restaurant only as a drinking bar or as other such premises that have as their primary purpose the sale of liquor).

24D Increase in seated dining positions

For the purposes of section 23AD (3) of the Act, it is a condition of a dine-or-drink authority authorising 100 or fewer seated dining positions that the number of seated dining positions at the restaurant to which the authority relates may exceed 100 only if:

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- (a) the increase in seated dining positions is otherwise authorised under the Act. and
 - (b) the difference between:
 - (i) the prescribed fee paid for the dine-or-drink authority under section 56 (9) of the Act. and
 - (ii) the prescribed fee applicable to a dine-or-drink authority authorising over 100 seated dining positions for premises in the same area as the restaurant concerned.
- has been paid.

24E Display of notice advising public of dine-or-drink authority

For the purposes of section 23AD (3) of the Act, it is a condition of a dine-or-drink authority that:

- (a) a notice is to be displayed, at or near the main public entrance to the restaurant, that clearly indicates that the restaurant is a dine-or-drink venue. and that clearly states the percentage of seated dining positions available for diners under the authority (for example, "Dine-or-drink— This licenced restaurant serves diners and drinkers. with 70% of seats reserved for diners."), and
- (b) the wording in the notice is legible and prominent. and
- (c) the notice is displayed in such a manner that it would be reasonable to expect that a person entering the premises would reasonably be expected to be alerted to the contents of the notice.

[8] Clause 26 Sanitary facilities

Omit the definition of *seating capacity*. Insert instead:

seating capacity means:

- (a) in relation to a restaurant the on-licence relating to which is endorsed with a dine-or-drink authority — the number of seated dining positions (as referred to in section 23AD (9) of the Act) in the restaurant. and

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Schedule 1 Amendments

- (b) in relation to any other restaurant—~~the~~ maximum number of persons who may, at any one time, be seated at tables in the restaurant for the service of meals at those tables.

[9] Clause 36A

Insert after clause 36:

36A Restaurant trading during restaurant restricted period—notice to be displayed

- (1) For the purposes of section 116C (3A) of the Act, a notice referred to in that subsection must be in the following form:

Liquor Act 1982

If you are under 18 you are by law not permitted to enter (or be in) this restaurant at any time between 10 pm and 6 am unless you are in the company and immediate presence of a responsible adult.

- (2) The wording in the notice must be legible and prominent.
- (3) The notice must be displayed at or near the main public entrance to the restaurant and in such a manner that it would be reasonable to expect that a person entering the premises would reasonably be expected to be alerted to the contents of the notice.
- (4) Despite subclause (1) the wording required to appear in a notice under this clause may appear (as a separate and distinct statement) in a notice required under clause 24E (Display of notice advising public of dine-or-drink authority), provided that the requirements of both clauses are otherwise complied with.