



New South Wales

Liquor Amendment (Miscellaneous) Regulation 2000

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

Sanitary facilities

Section 53 of the *Liquor Act 1982* prevents the grant of an on-licence relating to a restaurant unless the Licensing Court is satisfied that sanitary facilities of at least the standard prescribed by the regulations are made available. Schedule 1 [18] to the *Liquor and Registered Clubs Legislation Amendment Act 2000* amends section 53 so as to require sanitary facilities to meet any requirements set out in a development consent or a complying development certificate under the *Environmental Planning and Assessment Act 1979* or to be sufficient for the convenient use of customers.

Schedule 1 [1] to this Regulation repeals a redundant clause of the *Liquor Regulation 1996* relating to the provision of sanitary facilities.

Display of notices on internet concerning sale or supply of liquor to minors

Schedule 1 [32] to the *Liquor and Registered Clubs Legislation Amendment Act 2000* inserts section 116C (3C) into the *Liquor Act 1982* so as to require a licensee who offers liquor for sale through an internet site to display on the site at all times

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while it is accessible any notice prescribed by the regulations, including any notice in relation to the sale of liquor to minors.

Schedule 1 [2] to this Regulation prescribes a form of notice in relation to the sale of liquor to minors.

Exhibition of applications

Section 171E (1) (a) of the *Liquor Act 1982* provides that certain applications, and social impact assessments prepared in connection with those applications, must be placed on public exhibition at the premises to which the applications relate. This may not be possible if the premises are not yet erected or are not occupied by the applicant. Section 171E (4) of the Act (inserted by Schedule 1 [44] to the *Liquor and Registered Clubs Legislation Amendment Act 2000*) provides that the regulations may set out an alternative form of exhibition in those circumstances.

Schedule 1 [3] to this Regulation sets out an alternative form of public exhibition of applications under section 40 (1) (b) of the *Liquor Act 1982* (for the removal of a hotelier's licence to a place outside the neighbourhood of the premises from which it is proposed to remove the licence) or under section 161 of the *Liquor Act 1982* (for the keeping of not more than 30 approved gaming devices in a new or relocated hotel). If the premises the subject of the application are not yet erected or are not occupied by the applicant, the application and the related social impact assessment may be exhibited at other premises. In such cases a notice explaining where the application and assessment can be inspected must be attached to the outside of the premises the subject of the application, or to the perimeter of any site on which the premises are to be erected.

Proof of age cards

Schedule 1 [33] to the *Liquor and Registered Clubs Legislation Amendment Act 2000* inserts section 117EA into the *Liquor Act 1982* so as to provide for the making of applications to the Roads and Traffic Authority for the issue of a proof of age card.

Schedule 1 [4] to this Regulation prescribes the fees to accompany applications for the issue of such cards.

Control of licensed premises

Section 101 of the *Liquor Act 1982* (as amended by the *Liquor Amendment Act 1999* and the *Liquor and Registered Clubs Legislation Amendment Act 2000*) prohibits any person from letting or subletting, or otherwise granting, the right to supply prescribed gaming or liquor-related services in licensed premises to any other person without the prior written consent of the Liquor Administration Board.

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Schedule 1 [5] to this Regulation prescribes certain gaming or liquor-related services for that purpose.

Regulation-making power

This Regulation is made under the *Liquor Act 1982* (as amended by the *Liquor Amendment Act 1999* and the *Liquor and Registered Clubs Legislation Amendment Act 2000*), in particular section 156 (the general regulation-making power).

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Clause 1 Liquor Amendment (Miscellaneous) Regulation 2000

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1 Name of Regulation

This Regulation is the *Liquor Amendment (Miscellaneous) Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

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 26 Sanitary facilities

Omit the clause.

[2] Clause 33A

Insert after clause 33:

33A Sale of liquor through an internet site—notice to be displayed

- (1) For the purposes of section 116C (3C) of the Act, the prescribed form of notice that must be displayed at all times on an internet site through which a licensee offers liquor for sale is as follows:

LIQUOR ACT 1982

IT IS AN OFFENCE TO SELL OR SUPPLY TO OR TO
OBTAIN LIQUOR ON BEHALF OF A PERSON UNDER
THE AGE OF 18 YEARS

- (2) The words contained in the prescribed form must be big enough to ensure that a person accessing the internet site would reasonably be expected to be alerted to the contents of the sign.

Note. Schedule 1 to the Act (Savings and transitional provisions) provides that section 116C (3C) of the Act does not apply to an internet site that existed at the date of commencement of that subsection (that is, at 1 September 2000) until 6 months after that date (that is, 1 March 2001).

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Schedule 1 Amendments

[3] Clause 53AA

Insert after clause 53A:

53AA Exhibition of certain applications and social impact assessments

- (1) This clause applies to:
- (a) an application under section 40 (1) (b) of the Act for the removal of a hotelier's licence to a place outside the neighbourhood of the premises from which it is proposed to remove the licence, or
 - (b) an application under section 161 of the Act for the keeping of an approved gaming device in a new or relocated hotel,

where the premises the subject of the application are not yet erected or are not occupied by the applicant.

- (2) For the purposes of section 171E (4) of the Act, section 171E (1) (a) of the Act is complied with in relation to an application to which this clause applies if the application and the social impact assessment prepared in connection with the application are dealt with as follows:
- (a) by placing a copy of the application and social impact assessment on exhibition at premises within the area in which the premises the subject of the application are situated, and
 - (b) by allowing for inspection of the application and assessment by any person at those premises, at least between the hours of 9.00am and 5.00pm on Monday to Friday at no cost, and
 - (c) by attaching a notice to the outside of the premises the subject of the application, or to the perimeter of any vacant site on which the premises will be erected, in such a way that the notice can be easily seen and read by a member of the public passing the premises or site, being a notice that sets out the following information:
 - (i) the fact that an application has been made to the Licensing Court in relation to the premises,
 - (ii) an explanation of the nature of the application,

- (iii) a statement that the application and social impact assessment can be inspected by any member of the public at no cost,
- (iv) where and when the application and social impact assessment can be inspected by the public.

[4] Part 6 Fees

Insert after clause 70A:

Division 3B Proof of age cards

70B Fee payable for proof of age card

For the purposes of section 117EA (2) (b) of the Act, the following fees are prescribed:

- (a) \$22, in the case of an application for the issue of a proof of age card to a person for the first time,
- (b) \$32, in the case of an application for the issue of a proof of age card to a person for the second time,
- (c) \$42, in the case of an application for the issue of a proof of age card to a person for the third or a subsequent time.

[5] Clause 86C

Insert after clause 86B:

86C Gaming or liquor-related services

- (1) For the purposes of section 101 (9) of the Act, the following services are prescribed as gaming or liquor-related services (but not to the extent that the services are provided for the purposes of a centralised monitoring system, or an authorised linked gaming system, conducted at the licensed premises):
 - (a) services that promote the use of gaming machines or of services or facilities relating to gaming machines,
 - (b) services that promote activities, services or facilities of which gaming machines, or services or facilities relating to gaming machines, form part,

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- (c) consultancy or advisory services that include advice on the management or operation of gaming machines or of services or facilities relating to gaming machines,
- (d) services for the management or supervision of gaming machines or of services or facilities relating to gaming machines,
- (e) services that promote the sale or supply of liquor,
- (f) consultancy or advisory services that include advice on the sale or supply of liquor, and
- (g) services for the management or supervision of the sale or supply of liquor.

(2) In this clause:

authorised linked gaming system has the same meaning as in Part 12 of the Act.

gaming machine means a device that is designed:

- (a) for the playing of a game of chance or a game that is partly a game of chance and partly a game requiring skill, and
- (b) for paying out money or tokens or for registering a right to an amount of money or money's worth to be paid.

BY AUTHORITY
