



New South Wales

Liquor Amendment (Miscellaneous) Regulation 2008

under the

Liquor Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 2007*.

KEVIN GREENE, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to amend the *Liquor Regulation 2008* as follows:

- (a) to prescribe alcohol-based food essences that contain more than 35% ethanol as *liquor* for the purposes of the offence provisions under the *Liquor Act 2007* relating to the sale or supply of liquor to minors (at present, liquid food essences with more than 10% ethanol are prescribed for this purpose),
- (b) to modify the definition of *neighbouring premises* for the purposes of the notification of applications under the *Liquor Act 2007*,
- (c) to make it clear that notification of proposed applications may be given before an application is made to the Casino, Liquor and Gaming Control Authority,
- (d) to remove the requirement that a community impact statement accompany an application for an on-premises licence for a restaurant and a drink on-premises authorisation that is of a permanent nature,
- (e) to provide that submissions on an application for a drink on-premises authorisation that is of a temporary nature must be made within 14 days after the application is made,
- (f) to extend the period during which certain signage requirements do not apply to an on-premises licence that is a continuation of an existing on-licence and an existing registered club,
- (g) to prescribe premises that operate primarily as premises providing entertainment by way of games of poker using playing cards (for the purposes of section 21 of the *Liquor Act 2007*) as premises in respect of which an on-premises licence must not be granted,

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Explanatory note

- (h) to enable the Authority to reduce the period in which persons may make submissions in relation to applications,
- (i) to modify consultation requirements in relation to applications,
- (j) to prescribe application fees for certain approvals of the Authority under the Act.

This Regulation is made under the *Liquor Act 2007*, including sections 4 (1) (paragraph (c) of the definition of *liquor*), 40 (4) (b) and (d), 44 (1), 48 (6), clause 1 of Schedule 1 and section 159 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Liquor Amendment (Miscellaneous) Regulation 2008*.

2 Amendment of Liquor Regulation 2008

The *Liquor Regulation 2008* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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(Clause 2)

[1] Clause 6 Definitions

Omit the definition of *neighbouring premises* from clause 6 (1).

Insert instead:

neighbouring premises, in relation to an application, means:

- (a) any building situated on land that is within 50 metres of the boundary of the premises to which the application relates, or
- (b) if a category B CIS (as referred to in clause 10 (3)) is required to accompany the application—any building situated on land that is within 100 metres of the boundary of the premises to which the application relates, or
- (c) any building situated on land adjoining the boundary of the land on which the premises to which the application relates are or will be situated (or that would be land adjoining that boundary if it were not for a road separating the land).

[2] Clause 7 Occupiers of neighbouring premises to be notified of application

Omit clause 7 (1). Insert instead:

- (1) The occupier of neighbouring premises must be notified by an applicant of the making of an application.
- (1A) The notice may be given before the making of the application but must be given no later than 2 working days after the application is made.

[3] Clause 8 Other persons to be notified of application

Omit “If an application is made to the Authority, the applicant must, within 2 working days of making the application, notify each of the following that the application has been made” from clause 8 (1).

Insert instead “Each of the following must be notified by an applicant of the making of an application”.

[4] Clause 8 (1A)

Insert after clause 8 (1):

- (1A) The notice may be given before the making of the application but must be given no later than 2 working days after the application is made.

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- [5] Clause 10 Categories of CIS**
Omit clause 10 (2) (b) and (d).
- [6] Clause 10 (2) (c)**
Omit “or (b)”.
- [7] Clause 11 Preparation of CIS—consultation requirements**
Insert “and manner” after “form” in clause 11 (1).
- [8] Clause 11 (2) (d) and (e)**
Omit the paragraphs. Insert instead:
(d) such other stakeholders as are determined by the Authority.
- [9] Clause 11 (3) (i)**
Omit the paragraph. Insert instead:
(i) such other stakeholders as are determined by the Authority.
- [10] Clause 12 Submissions in relation to applications**
Insert “, or such shorter period as the Authority may determine in any particular case,” after “was made” in clause 12 (2) (b).
- [11] Clause 12 (3) (d)**
Insert at the end of clause 12 (3) (c):
or
(d) a drink on-premises authorisation that is, in the opinion of the Authority, of a temporary nature,
- [12] Clause 12 (3)**
Insert “, or such shorter period as the Authority may determine in any particular case,” at the end of the subclause.
- [13] Clause 18 On-premises licence—excluded premises**
Insert “, games of poker using playing cards” after “pool tables”.
- [14] Clause 29 Display of name of licensed premises**
Omit clause 29 (2). Insert instead:
(2) Subclause (1) (a) and (b) does not apply to the licensed premises of an existing registered club until after 31 December 2009.

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Schedule 1 Amendments

(3) Subclause (1) (d) does not apply to the licensed premises of an on-premises licence that is a continuation of an existing on-licence until after 31 December 2009.

[15] Clause 62 Applications for licences requiring SIAs under former Act

Omit “3 months” from clause 62 (2). Insert instead “6 months”.

[16] Clause 67 High alcohol-based food essences prescribed as liquor for certain purposes

Omit “10% ethanol by volume” from the definition of *high alcohol-based food essence* in clause 67 (1).

Insert instead “35% ethanol by volume, but does not include a preparation in liquid form that is promoted as a food colouring preparation and is used primarily for the purpose of colouring food”.

[17] Schedule 1 Application fees

Insert before the first item in Part 3 of Schedule 1 in Columns 1, 2, 3 and 4, respectively:

Application under section 11A (5) of the Act for Authority’s approval (other than an application for approval of a different 6-hour closure period that is, in the opinion of the Authority, temporary in nature)	\$100	\$100	\$200
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[18] Schedule 1, Part 3

Insert at the end of the Part (before the note) in Columns 1, 2, 3 and 4, respectively:

Application under section 27 (3), 28 (3), 92 (1) (a), 119 or 124 (3) (c) for Authority’s approval	Nil	\$50	\$50
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BY AUTHORITY
