



New South Wales

Liquor Amendment (Takeaway Souvenir Liquor Sales) Regulation 2010

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, MP
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to enable “on-licence” premises situated in or on a facility that is under the control or management of a public authority to sell souvenir liquor products of the public authority (ie liquor products that are marked with the name, logo or other distinguishing feature of the public authority or the facility) for consumption away from those premises (ie a takeaway sale). The takeaway sale of any such souvenir liquor products will only be allowed in relation to facilities operated or used for a cultural, sporting, recreational, educational or scientific purpose.

This Regulation also provides that an authorisation under section 26 of the *Liquor Act 2007* to sell liquor for consumption away from premises to which an on-premises licence relates cannot authorise the sale of liquor between midnight and 5 am.

This Regulation is made under the *Liquor Act 2007*, including sections 26, 51 and 159 (the general regulation-making power).

2010 No 593

Clause 1 Liquor Amendment (Takeaway Souvenir Liquor Sales) Regulation 2010

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1 Name of Regulation

This Regulation is the *Liquor Amendment (Takeaway Souvenir Liquor Sales) Regulation 2010*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Liquor Regulation 2008**[1] Clause 21 On-premises licence—authorisation to sell liquor for consumption away from licensed premises**

Omit clause 21 (1) and (2). Insert instead:

- (1) An authorisation under section 26 of the Act to sell liquor for consumption away from the premises to which an on-premises licence relates may be granted by the Authority only if:
 - (a) the licence is held by or on behalf of a non-proprietary association and the Authority is satisfied that the licensed premises promote tourism or industry in the local area in which the premises are situated, or
 - (b) the licensed premises are situated in or on a facility that is under the control or management of a public authority (whether or not the licence is held by or behalf of the public authority).
- (2) An authorisation under section 26 of the Act is subject to the following conditions:
 - (a) in the case of licensed premises referred to in subclause (1) (a)—liquor may only be sold for consumption away from the premises if it has been produced in the local area in which the premises are situated,
 - (b) in the case of licensed premises referred to in subclause (1) (b)—liquor may only be sold for consumption away from the premises if it is a souvenir liquor product of the public authority concerned,
 - (c) in the case of an authorisation in force immediately before the commencement of the *Liquor Amendment (Takeaway Souvenir Liquor Sales) Regulation 2010*—liquor may only be sold under the authorisation between 10 am and 10 pm.

[2] Clause 21 (2A)

Insert after clause 21 (2):

- (2A) An authorisation under section 26 of the Act cannot authorise the sale of liquor between midnight and 5 am.

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Schedule 1 Amendment of Liquor Regulation 2008

[3] Clause 21 (5) and (6)

Insert after clause 21 (4):

- (5) For the purposes of subclause (2) (b), liquor is a *souvenir liquor product* of a public authority only if:
 - (a) the bottle or other container in which the liquor is contained is, with the permission of the public authority, marked with the name, logo or other distinguishing feature of the public authority or the facility in or on which the licensed premises are situated, and
 - (b) it is promoted primarily as a souvenir of the public authority or that facility, and
 - (c) it is sold or made available for sale with the permission of the public authority.
- (6) In this clause:
 - facility* means a facility (including any building or land) that is operated or used for a cultural, sporting, recreational, educational or scientific purpose.
 - public authority* means a statutory body referred to in Schedule 2 to the *Public Finance and Audit Act 1983*.