New South Wales

Liquor Amendment (Fees) Regulation 2014

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*.

TROY GRANT, MP
Minister for Hospitality, Gaming and Racing

Explanatory note

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

(a)   to increase certain application fees for liquor licences and approvals, and

(b)   to introduce fees for applications to vary or revoke licence conditions under sections 53 and 54 of the *Liquor Act 2007* (*the Act*), and

(c)   to reduce (from $50 to nil) the application fee for the variation of an extended trading authorisation if the variation involves the reduction in trading hours under the authorisation, and

(d)   to increase (from $250 to $500) the fee for an application under section 154 of the Act for the review of a decision by the Independent Liquor and Gaming Authority that imposed on a licensee a disqualification from holding a licence for 3 or more years, and

(e)   to change from 2 am to 1.30 am the trading time at which application fees for an extended trading authorisation increase to align with the trading hours risk loading element of the periodic licence fee scheme and the Kings Cross and Sydney CBD Entertainment precincts lock-out period.

This Regulation is made under the *Liquor Act 2007*, including sections 11A (6), 15A (3), 40 (4) (b), 47 (1), 51 (2) (b), (7) and (10), 53 (3) (b), 54 (2A) (b), 60 (4) (b), 62 (7), 68 (1), 94 (4), 95 (2), 96 (3) (a) and 159 (the general regulation-making power).

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1   Name of Regulation

This Regulation is the *Liquor Amendment (Fees) Regulation 2014*.

2   Commencement

This Regulation commences on 1 September 2014 and is required to be published on the NSW legislation website.

Schedule 1   Amendment of Liquor Regulation 2008

[1]   Clause 5 Other application fees

Omit clause 5 (1). Insert instead:

(1)   **Variation of extended trading authorisation**

For the purposes of section 51 (10) of the Act, the application fee to vary an extended trading authorisation is the same as the application fee would be for the extended trading authorisation (as varied) unless the variation reduces the number of trading hours in which case the application fee is nil.

[2]   Clause 77 Application for review of disqualification by Authority

Omit "$250" from clause 77 (b). Insert instead "$500".

[3]   Schedule 1

Omit the Schedule. Insert instead:

Schedule 1   Application fees

(Clause 4)

Part 1   Licence applications

Column 1	Column 2	Column 3	Column 4
Type of licence	**Fixed component**	**Processing component**	**Total**
Hotel licence (other than general bar licence)	$1,500	$1,000	$2,500
General bar licence	$300	$400	$700
Club licence	$100	$400	$500
Small bar licence	$150	$200	$350
On-premises licence	$300	$400	$700
Packaged liquor licence	$1,000	$1,000	$2,000
Producer/wholesaler licence	$300	$400	$700
Limited licence (single function) (made by means of an electronic system approved by the Authority)	Nil	$80	$80
Limited licence (single function) (made otherwise than by means of an electronic system approved by the Authority)	Nil	$150	$150
Limited licence (multi-function)	$100	$400	$500

Part 2 Applications for extended trading authorisations

Column 1	Column 2	Column 3	Column 4
Type of authorisation	**Fixed component**	**Processing component**	**Total**
Extended trading authorisation allowing trading until midnight	$100	$200	$300
Extended trading authorisation allowing trading after midnight (subject to requirement that liquor may only be sold on the premises with, or ancillary to, a meal or the provision of accommodation)	$100	$200	$300
Extended trading authorisation allowing trading after midnight until any time that is not later than 1.30 am (not subject to requirement as to provision of meals or accommodation)	$1,500	$1,000	$2,500
Extended trading authorisation allowing trading at any time after 1.30 am that is not later than 5 am (not subject to requirement as to provision of meals or accommodation)	$2,500	$1,000	$3,500
Extended trading authorisation for an on-premises licence relating to a catering service	Nil	$100	$100
Special occasion extended trading authorisation	Nil	$100	$100
Extended trading authorisation for a small bar	$750	$500	$1,250

Part 3 Other applications

Column 1	Column 2	Column 3	Column 4
Type of application	**Fixed component**	**Processing component**	**Total**
Application under section 11A (5) 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	$200	$300
Application under section 15A (2) for approval to cease selling liquor and to continue to provide other services and facilities	Nil	$400	$400
Application to vary on-premises licence—section 23 (5)	Nil	$100	$100
Application for any licence-related authorisation (other than an extended trading authorisation)—section 51 (2)	Nil	$100	$100

Column 1	Column 2	Column 3	Column 4
Type of application	**Fixed component**	**Processing component**	**Total**
Application by licensee under section 53 (2) or 54 (2) to vary or revoke a licence condition (other than an application to vary trading hours)	Nil	$100	$100
Application by licensee under section 53 (2) or 54 (2) to vary or revoke a licence condition that would result in increased trading hours (other than for an on-premises licence relating to a catering service or a licence for a small bar):			
(a) allowing trading until midnight, or	$100	$200	$300
(b) allowing trading after midnight (subject to requirement that liquor may only be sold on the premises with, or ancillary to, a meal or the provision of accommodation), or	$100	$200	$300
(c) allowing trading after midnight until any time that is not later than 1.30 am (not subject to requirement as to provision of meals or accommodation), or	$1,500	$1,000	$2,500
(d) allowing trading at any time after 1.30 am that is not later than 5 am (not subject to requirement as to provision of meals or accommodation)	$2,500	$1,000	$3,500
Application by licensee under section 53 (2) or 54 (2) to vary or revoke a licence condition that would result in increased trading hours for an on-premises licence relating to a catering service	Nil	$100	$100
Application by licensee under section 53 (2) or 54 (2) to vary or revoke a licence condition that would result in increased trading hours for a small bar	$750	$500	$1,250
Application by licensee under section 53 (2) or 54 (2) to vary or revoke a licence condition that would result in decreased trading hours	Nil	Nil	Nil
Application under section 60 or 61 to transfer hotel licence (other than a former community liquor licence) or packaged liquor licence	$300	$400	$700
Application under section 60 or 61 to transfer former community liquor licence	Nil	$100	$100
Application under section 60 or 61 to transfer limited licence	Nil	$100	$100
Application under section 60 or 61 to transfer any other type of licence	$200	$200	$400
Application under section 62 to carry on licensee's business	Nil	$100	$100

Column 1	Column 2	Column 3	Column 4
Type of application	Fixed component	Processing component	Total
Application under section 68 for approval of person to manage licensed premises	Nil	$100	$100
Application under section 78 (other than by the Director-General or the Commissioner of Police) for banning order	Nil	$100	$100
Application under section 92 for approval to lease or sublease part of licensed premises	Nil	$100	$100
Application under section 94 to change boundaries of licensed premises	Nil	$200	$200
Application under section 95 to alter name of licensed premises	Nil	$100	$100
Application under section 96 to carry on business on temporary premises	Nil	$100	$100
Application under section 27 (3), 28 (3), 92 (1) (a), 119 or 124 (3) (c) for Authority's approval	Nil	$100	$100

Note. The application fees for the variation or revocation of extended trading authorisations and for approval to remove a licence to other premises are dealt with under clause 5 of this Regulation.

Part 4   Interpretation

1   Definition

In this Schedule, *former community liquor licence* means a community liquor licence granted under the *Liquor Act 1982* that is taken to be a hotel licence by virtue of clause 12 of Schedule 1 to the Act.