



New South Wales

# Liquor Amendment (Miscellaneous) Regulation 2015

under the  
Liquor Act 2007

His 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 objects of this Regulation are as follows:

- (a) to provide that the base fee element of the periodic licence fee for a producer/wholesaler licence is \$200 (rather than \$500) if the amount of liquor produced annually by the licensee does not exceed 100,000 litres,
- (b) to exempt applications by licensees to reduce their trading hours from existing notification requirements,
- (c) to provide that the extended trading period from 10 pm until midnight on Sunday 29 March 2015 for hotels and clubs only applies if Australia is playing in the World Cup cricket final on that day,
- (d) to require notices referring to the prohibition on selling or supplying liquor to minors to be displayed at fundraising functions held in accordance with the licensing exemption under section 6 (5) of the *Liquor Act 2007*,
- (e) to enable the business carried on under an on-premises licence for the Qantas Campus at Mascot to be limited to the sale or supply of liquor to Qantas staff members and other persons permitted to use the premises and not to the general public,
- (f) to make further provision with respect to application fees for multi-occasion extended trading authorisations (including provision for a nil fee in the case of applications made in 2015) and the exemption of applications for such authorisations from the requirement that they be accompanied by a community impact statement,
- (g) to provide an exemption from the 6-hour closure requirement under section 11A of the *Liquor Act 2007* in the case of licensed premises in respect of which a multi-occasion extended trading authorisation is in force,
- (h) to make minor amendments for the purposes of statute law revision.

This Regulation is made under the *Liquor Act 2007*, including section 6 (8) (as inserted by the *Liquor Legislation Amendment (Statutory Review) Act 2014*) and sections 11A (10), 13, 28 (3), 40 (4), 51 (2), 58A and 159 (the general regulation-making power).

## **Liquor Amendment (Miscellaneous) Regulation 2015**

under the

Liquor Act 2007

### **1 Name of Regulation**

This Regulation is the *Liquor Amendment (Miscellaneous) Regulation 2015*.

### **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 4 Application fees generally

Insert after clause 4 (3):

- (4) If an application for a multi-occasion extended trading authorisation is made on or before 31 December 2015, any fee paid in connection with the application is to be refunded to the applicant.

### [2] Clause 5D Base fee element

Omit clause 5D (1) (g). Insert instead:

- (g) for a producer/wholesaler licence:
- (i) if the Secretary determines that the licensee's annual production of liquor does not exceed 100,000 litres—\$200, or
- (ii) in any other case—\$500,

### [3] Clause 6 Definitions

Insert "(other than a revocation or variation that would result in reduced trading hours)" after "authorisation" in paragraph (b) of the definition of *application*.

### [4] Clause 6, definition of "application"

Insert "(other than a variation that would result in reduced trading hours)" after "authorisation" where secondly occurring in paragraph (e) of the definition.

### [5] Clause 10 Categories of CIS

Omit clause 10 (4) (b) (i) and (ii). Insert instead:

- (i) the trading hours of the club premises have been reduced by a condition under section 54 of the Act (or a request has been made by the club for a condition to be imposed under that section that would result in reduced trading hours), or
- (ii) an ongoing extended trading authorisation in respect of the club premises has, on application by the club, been revoked or been varied so as to reduce the trading hours to no later than 1.30 am (or an application has been made to reduce the trading hours to no later than 1.30 am), or

### [6] Clause 38A Extended trading on certain Sundays for hotels and clubs

Omit clause 38A (e). Insert instead:

- (e) 29 March 2015 (but only if Australia is playing in the World Cup cricket final on that day),

### [7] Clauses 50 (2) and (3), 53O (2) and (5) and 53P (1)

Omit "Director" and "Director-General" wherever occurring. Insert instead "Secretary".

### [8] Clause 70B

Insert after clause 70A:

#### **70B Exemption from the Act relating to sale of liquor at fundraising functions—additional requirement**

- (1) For the purposes of section 6 (8) (b) of the Act, the display of a notice in accordance with this clause is prescribed as a requirement that must be

complied with in relation to the sale or supply of liquor at a function held by or on behalf of an eligible non-proprietary association.

- (2) The notice must:
- (a) contain the same words required to be contained in the notice under clause 31, and
  - (b) be in the form approved by the Authority and be obtained from the NSW Office of Liquor, Gaming and Racing, and
  - (c) be prominently displayed, at the bar at which liquor is sold or supplied at the function, in such a manner and in such a position that a person standing at the bar would reasonably be expected to be alerted to its contents.

**[9] Clause 71 Exceptions from requirement that hotel or on-premises licence cannot operate as invitation-only venues**

Insert at the end of the table to the clause:

The business carried on under an on-premises licence at the Qantas Campus, 10 Bourke Road, Mascot.	The class of persons resorting to the premises comprising Qantas staff and other persons permitted to use the licensed premises.
--	--

**[10] Clause 78 Exceptions to 6-hour closure requirement**

Insert after clause 78 (2):

(3) **Exceptions relating to premises with multi-occasion extended trading authorisation**

If:

- (a) a multi-occasion extended trading authorisation is granted in respect of licensed premises, and
- (b) the licence was not, immediately before the granting of the authorisation, subject to the condition under section 11A (2) of the Act, the condition does not apply in relation to the licence on any day.

(4) If:

- (a) a multi-occasion extended trading authorisation is granted in respect of licensed premises, and
- (b) the licence was, immediately before the granting of the authorisation, subject to the condition under section 11A (2) of the Act, the condition does not apply in relation to the licence on any day that liquor is sold or supplied in accordance with the authorisation.

**[11] Schedule 1 Application fees**

Omit the matter relating to multi-occasion extended trading authorisations from Part 2.

Insert instead:

Multi-occasion extended trading authorisation (application made on or before 31 December 2015)	Nil	Nil	Nil
--	-----	-----	-----

Multi-occasion extended trading authorisation (application made on or after 1 January 2016):

(a)	if the licensed premises to which the application relates were authorised to trade on a regular basis until at least 3 am within the period of 6 months before the application is made and:	Nil	\$150	\$150
	(i) those extended trading hours have been reduced under the Act, or			
	(ii) an application has been made under the Act within that 6-month period to reduce those extended trading hours, or			
	(iii) a request has been made by the licensee within that 6-month period for a condition to be imposed under section 54 of the Act that would result in reducing trading hours, or			
(b)	in any other case	\$500	\$500	\$1,000