



New South Wales

# Liquor Amendment (Fees and Other Matters) Regulation 2016

under the  
Liquor Act 2007

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

TROY GRANT, MP  
Minister for Racing

## Explanatory note

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

- (a) to extend the period for restrictions on the granting of liquor licences, various other liquor-related authorisations and development consents in respect of the Sydney CBD Entertainment precinct, which includes the Oxford Street, Darlinghurst precinct,
- (b) to give effect to the application of that period in relation to the Oxford Street, Darlinghurst precinct by consequentially removing the precinct from Schedule 5 to the *Liquor Act 2007*,
- (c) to extend the fee exemption for applications for a multi-occasion extended trading authorisation made on or before 31 December 2015 so that the exemption applies in relation to applications made on or before 31 December 2016,
- (d) to prescribe a single annual base fee element of a periodic licence fee for all producer/wholesaler licences of \$200,
- (e) to provide that a trading hours risk loading element is not payable in relation to hotel or club licences that relate to a tourist accommodation establishment in certain circumstances or licences relating to licensed premises in remote locations,
- (f) to enable the Secretary of the Department of Justice to re-assess any assessed periodic licence fee, rather than only any initially assessed fee,
- (g) to provide that a licence holder must apply for a waiver of the periodic licence fee payable in relation to the licence no later than 7 days before the due date for payment or, if the person satisfies the Secretary that exceptional circumstances exist, no later than the date specified by the Secretary,
- (h) to provide that the Secretary may only waive certain elements of that fee if satisfied that the applicant is suffering financial hardship,
- (i) to provide that a compliance history risk loading element of a periodic licence fee is first payable for the year commencing 15 March 2017 instead of 15 March 2016,
- (j) to specify that certain authorisations that relate to licensed premises at the Opera House site are not subject to the conditions requiring the giving of notice in relation to any function held within the Opera House site at which the licensee provides catering,

- (k) to remove the requirement for licensees to provide biennial returns,
- (l) to prescribe a proof of age card issued by Australia Post (known as a “Keypass identity card”) as an evidence of age document from 1 March 2016.

This Regulation is made under the *Liquor Act 2007*, including sections 4 (1) (paragraph (f) of the definition of **evidence of age document**), 47A (1) (paragraph (b) of the definition of **freeze period**), 47J (d) and 159 (the general regulation-making power).

## **Liquor Amendment (Fees and Other Matters) Regulation 2016**

under the

Liquor Act 2007

### **1 Name of Regulation**

This Regulation is the *Liquor Amendment (Fees and Other Matters) Regulation 2016*.

### **2 Commencement**

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

### **3 Amendment of Liquor Act 2007 No 90**

#### **Schedule 5 Freeze precincts**

Omit the matter relating to the Oxford Street, Darlinghurst precinct from Part 1.

## **Schedule 1 Amendment of Liquor Regulation 2008**

**[1] Clause 4 Application fees generally**

Omit “2015” from clause 4 (4). Insert instead “2016”.

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

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

(g) for a producer/wholesaler licence—\$200,

**[3] Clause 5D (6) (b)**

Omit the paragraph. Insert instead:

(b) the website of the Department of Justice.

**[4] Clause 5F Trading hours risk loading element**

Insert after clause 5F (5) (f):

(g) a hotel or club licence that relates to a tourist accommodation establishment, but only if the Secretary is satisfied that any tourist accommodation establishment bar area on the licensed premises is operated after midnight primarily for the use of residents and their guests or persons who are invited to attend a conference or function on the premises,

(h) a licence that relates to licensed premises that the Secretary is satisfied are situated in a regional or remote locality having a population of less than 1,000 persons and in respect of which the accessibility to goods, services and opportunities for social interaction is considered to be significantly restricted due to the remoteness of the locality.

**[5] Clause 5H Patron capacity loading element**

Omit “that occurs after the provision of any biennial return under clause 30” from clause 5H (4).

**[6] Clause 5H (5) (b) (i)**

Omit “in the most recent biennial return provided by the licensee under clause 30”.

**[7] Clause 5H (5) (b) (ii)**

Omit “Secretary, or”. Insert instead “Secretary.”.

**[8] Clause 5H (5) (b) (iii)**

Omit the subparagraph.

**[9] Clause 5L Re-assessment of periodic licence fee**

Omit “the initial” from clause 5L (2). Insert instead “an”.

**[10] Clause 5L (2)**

Omit “an initial”. Insert instead “an”.

**[11] Clause 5M Waiver of elements of periodic licence fee**

Omit clause 5M (1). Insert instead:

- (1) A person who holds a licence may apply to the Secretary for the waiver of any or all elements of the periodic licence fee payable in respect of the licence:
  - (a) no later than 7 days before the due date for payment, or
  - (b) if the person satisfies the Secretary that exceptional circumstances exist—no later than the date specified by the Secretary.

**[12] Clause 5M (2) (a)**

Insert “if the Secretary is satisfied that the applicant is suffering financial hardship,” before “waive”.

**[13] Clause 5N Transitional provisions: phasing-in of periodic licence fees**

Omit “year commencing on 15 March 2015” from clause 5N (1).

Insert instead “years commencing on 15 March 2015 and 15 March 2016”.

**[14] Clause 5N (2)**

Omit the subclause. Insert instead:

- (2) A compliance history risk loading element of a periodic licence fee is first payable for the assessment year commencing on 15 March 2017. In assessing that element, events that occur in the 2016 calendar year may be taken into account. That element is due on 29 May 2017.

**[15] Clause 20 On-premises licence—authorisation to trade on premises other than licensed premises**

Insert after clause 20 (5):

- (6) Despite subclause (5), a relevant authorisation that relates to licensed premises at the Opera House site is not subject to the conditions specified in subclause (5) (a)–(c) in relation to any function held within the Opera House site at which the licensee provides catering services.

**[16] Clause 30 Licensees required to provide biennial return**

Omit the clause.

**[17] Clause 67A**

Insert after clause 67:

**67A Definition of “evidence of age document”**

- (1) For the purposes of paragraph (f) of the definition of *evidence of age document* in section 4 (1) of the Act, a proof of age card issued by Australia Post (known as a “Keypass identity card”) for the purpose of attesting to a person’s identity and age is prescribed as an evidence of age document.
- (2) This clause takes effect on 1 March 2016.

**[18] Clause 79 Temporary freeze on licences**

Insert after clause 79 (1):

- (1A) The period referred to in subclause (1) is extended to 19 February 2017. This subclause does not affect anything done between the end of the period referred to in subclause (1) and the commencement of this subclause.

**[19] Schedule 1 Application fees**

Omit “31 December 2015” from the matter relating to multi-occasion extended trading authorisation in Part 2.

Insert instead “31 December 2016”.

**[20] Schedule 1, Part 2**

Omit “1 January 2016” from the matter relating to multi-occasion extended trading authorisation.

Insert instead “1 January 2017”.