



New South Wales

Liquor Amendment Regulation 2017

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*.

PAUL TOOLE, MP
Minister for Racing

Explanatory note

The objects of this Regulation are as follows:

- (a) to modify the circumstances in which the compliance history risk loading element of the periodic fee for a liquor licence is payable,
- (b) to provide that an interim restaurant authorisation (which authorises the sale of liquor in a restaurant pending the determination of a licence application) is not to be issued in respect of a restaurant if an authorisation relating the restaurant has been revoked in the past 12 months or if a licence application has been refused during that period,
- (c) to allow hotels and clubs to trade for extended periods on certain days on which special events will be held,
- (d) to clarify certain matters relating to the conversion of general bar licences or on-premises licences to small bar licences.

This Regulation is made under the *Liquor Act 2007*, including sections 13, 58A and 159 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Liquor Amendment Regulation 2017*.

2 Commencement

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

Schedule 1 Amendment of Liquor Regulation 2008

[1] Clause 5E Compliance history risk loading element

Omit clause 5E (1) (a). Insert instead:

- (a) \$3,000—if one relevant prescribed offence event has occurred that relates to a prescribed offence committed by the licensee or manager of the licensed premises during the relevant compliance period, or

[2] Clause 5E (1) (b) (i) and (c) (i)

Omit “that were committed on or in relation to the premises to which the licence relates” wherever occurring.

Insert instead “committed by the licensee or manager of the licensed premises”.

[3] Clause 5E (1) (b) (iii) and (c) (iii)

Omit the subparagraphs.

[4] Clause 5E (1) (d)

Insert after clause 5E (1) (c):

- (d) if a combination of any of the circumstances specified in paragraphs (a)–(c) exist in relation to a licence—the highest of the amounts so specified.

[5] Clause 5E (5)

Omit “in relation to a particular licence”.

Insert instead “by the licensee or manager of the premises to which a licence relates”.

[6] Clause 5E (6), definition of “prescribed offence”

Omit paragraph (a). Insert instead:

- (a) an offence under section 11 (2) of the Act, but only in respect of a condition imposed under:
 - (i) Division 3 or 4 of Part 6 of the Act, or
 - (ii) section 144E of the Act, or
 - (iii) Schedule 4 to the Act,that restricts the trading hours of licensed premises, or

[7] Clause 5E (6), definition of “strike”

Omit the definition.

[8] Clause 5G Location risk loading element

Omit clause 5G (1). Insert instead:

- (1) The *location risk loading element* of a periodic licence fee for a licence (which is payable only if a compliance history risk loading element is payable) is \$2,000, if the licensed premises are, on the relevant assessment date, within the Kings Cross precinct or a prescribed precinct.

[9] Clause 5G (3)

Omit the subclause.

[10] Clause 16A Issue of interim restaurant authorisation to applicants for restaurant licence

Insert after clause 16A (1):

- (1A) However, the person making the licence application is not to be issued with an interim restaurant authorisation in respect of the premises to which the application relates if:
 - (a) any interim restaurant authorisation issued under this clause in respect of the premises has been revoked during the period of 12 months before the date on which the licence application is made, or
 - (b) an application for an on-premises licence in respect of the premises has been refused during that 12-month period.

[11] Clause 16A (12)

Insert after clause 16A (11):

- (12) The 6-hour closure period under section 11A of the Act that, in accordance with subclause (6) (a), applies to the premises to which an interim restaurant authorisation relates is the period from 4 am to 10 am.

[12] Clause 38A

Omit the clause. Insert instead:

38A Extended trading for hotels and clubs

- (1) For the purposes of section 13 of the Act, the following periods are prescribed as periods during which liquor may be sold or supplied for consumption on the premises to which a hotel licence or club licence relates:
 - (a) the period of 2 hours from 10 pm until midnight on 11 June 2017 (but only for hotels and club premises in the Coonamble local government area),
 - (b) the period of 5 hours from midnight until 5 am on any of the following days (but only if the licensee ensures that a live broadcast of a 2017 FIFA Confederations Cup match in which Australia is playing is shown on the licensed premises during that period):
 - (i) 20 June 2017,
 - (ii) 23 June 2017,
 - (iii) 26 June 2017,
 - (c) the period of 1 hour from 4 am until 5 am on any of the following days (but only if the licensee ensures that a live broadcast of a 2017 FIFA Confederations Cup match in which Australia is playing is shown on the licensed premises during that period):
 - (i) 29 June 2017,
 - (ii) 30 June 2017,
 - (iii) 3 July 2017,
 - (d) the period of 2 hours from 10 pm until midnight on 1 October 2017.
- (2) Subclause (1) (b) and (c) does not apply to hotels or club premises that are subject to the lock out period under clause 53C or 53Y.

[13] Clause 70D Conversion of existing licences to small bar licences

Insert “, but only to the extent that those conditions are consistent with the authority conferred by a small bar licence” after “is subject” in clause 70D (6).

[14] Clause 70D (7)

Insert after clause 70D (6):

- (7) Any extended trading authorisation granted in respect of an existing licence and in force immediately before the cancellation of the licence under this clause is taken to have been granted in respect of the new licence but only if the existing premises are situated in an area that is not a freeze precinct within the meaning of section 47A of the Act.