



New South Wales

# Liquor Amendment (Miscellaneous) Regulation (No 2) 2019

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*.

VICTOR DOMINELLO, MP  
Minister for Customer Service

## Explanatory note

The objects of this Regulation are as follows—

- (a) to exclude premises that are part of a food court and premises to which certain historical liquor licences relate from section 22 of the *Liquor Act 2007* which provides that the primary purpose of the business or activity carried out on the premises to which an on-premises licence relates must not be the sale or supply of liquor,
- (b) to provide that the exemption from paying an application fee for a drink on-premises authorisation under section 50 of the Act for a micro-brewery or small distillery is extended until 31 August 2020 and is to apply to these kinds of premises regardless of where they are located,
- (c) to halve the application fee of \$770 for a producer/wholesaler licence if it is made in conjunction with an application for a drink on-premises authorisation for a micro-brewery or small distillery,
- (d) to provide that the occupiers of neighbouring premises are required to be notified of an application for a producer/wholesaler licence if it is made in conjunction with an application for a drink on-premises authorisation for a micro-brewery or small distillery,
- (e) to expressly authorise the Independent Liquor and Gaming Authority to impose conditions on an on-premises licence relating to a food court that require a minimum number of food outlets to be open, or for food to be made available by the licensee to patrons of the food court, whenever liquor is sold or supplied under the licence,
- (f) to provide that persons who have completed an approved interstate RSA training course will have the option of completing a licensee training course (instead of an RSA bridging course) in order to be issued a recognised competency card with an RSA endorsement,
- (g) to make other amendments of a minor or administrative nature.

This Regulation is made under the *Liquor Act 2007*, including sections 11, 22(4), 40(4), 48(6), 99(2)(c) and 159 (the general regulation-making power), in particular section 159(4).

## **Liquor Amendment (Miscellaneous) Regulation (No 2) 2019**

under the

Liquor Act 2007

### **1 Name of Regulation**

This Regulation is the *Liquor Amendment (Miscellaneous) Regulation (No 2) 2019*.

### **2 Commencement**

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

## Schedule 1 Amendment of Liquor Regulation 2018

### [1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

*special drink on-premises authorisation* means a drink on-premises authorisation of the kind to which clause 37 applies.

### [2] Clause 4 Application fees generally

Insert after clause 4(4)—

- (5) If an application for a producer/wholesaler licence is made in conjunction with an application for a special drink on-premises authorisation but the authorisation is not granted, the applicant may vary the application so that it only relates to a producer/wholesaler licence (in which case the full producer/wholesaler licence fee specified in Schedule 1 is taken to apply).

### [3] Clause 7 Fees under Part 5

Insert “or licensee training course” after “RSA bridging course” in item 4A of clause 7(1).

### [4] Clause 21 Occupiers of neighbouring premises to be notified of application

Omit clause 21(5)(a). Insert instead—

- (a) a producer/wholesaler licence (unless the application is made in conjunction with an application for a special drink on-premises authorisation), or

### [5] Clause 29 Preparation of CIS—consultation requirements

Insert after clause 29(4)—

- (5) An applicant is taken to have complied with this clause if the Authority is satisfied that the applicant has made all reasonable efforts to comply with this clause.
- (6) The Authority may also determine that a failure to comply with this clause is to be disregarded if the Authority is satisfied that the failure is of a minor or technical nature.

### [6] Clause 37 Special drink on-premises authorisations for micro-breweries and small distilleries

Omit “licensed premises in an eligible local government area” from clause 37(1).

Insert instead “a micro-brewery or small distillery”.

### [7] Clause 37(2)

Omit “within 12 months of the commencement of this Regulation”.

Insert instead “before 1 September 2020”.

### [8] Clause 37(3)

Omit the subclause.

### [9] Clause 47A

Insert after clause 47—

**47A Licensed food courts**

The Authority may impose either or both of the following kinds of conditions on an on-premises licence relating to a food court—

- (a) conditions requiring a minimum number of food outlets to be open in the food court whenever liquor is sold or supplied under the authority of the licence,
- (b) conditions requiring food to be made available by the licensee to patrons of the food court whenever liquor is sold or supplied under the authority of the licence.

**[10] Clause 72 Issue of recognised competency card with endorsements**

Insert after clause 72(1)(a)(iii)—

- (iv) an approved interstate RSA training course within the previous 5 years and has completed a licensee training course within the previous 5 years,

**[11] Clause 72(1A)**

Insert after clause 72(1)—

- (1A) A person is not eligible to be issued a recognised competency card with an RSA endorsement referred to in subclause (1)(a)(iv) unless the person holds current RSA certification or endorsement from another State or Territory.

**[12] Clause 74 Renewal of recognised competency card endorsements**

Insert “or licensee training course” after “RSA bridging course” in paragraph (d) of the matter relating to RSA endorsement in the Table to clause 74(1).

**[13] Clause 122A**

Insert after clause 122—

**122A Exceptions to primary purpose test**

**(1) Existing on-licences under former Act**

Section 22(2) of the Act does not apply in relation to the premises to which an on-premises licence relates if the licence is, as provided by Schedule 1 to the Act, a continuation of—

- (a) an existing Governor’s licence, or
- (b) an existing on-licence of the kind referred to in section 18(4)(g) of the former Act, or
- (c) an existing Australian wine licence (as referred to in clause 15 of Schedule 1 to the Act).

**(2) Food courts**

Section 22(1) and (2) of the Act do not apply in relation to premises that are part of a food court.

**[14] Clause 131 Conversion of existing licences to small bar licences**

Omit “during the period of 12 months immediately following the commencement of this Regulation” from clause 131(2).

Insert instead “before 1 March 2020”.

**[15] Schedule 1 Fees**

Insert after the matter relating to producer/wholesaler licence in Part 1—

Producer/wholesaler licence made in conjunction with an application for a special drink on-premises authorisation	1.5	2.35	3.85
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