



New South Wales

# Liquor Amendment (Miscellaneous) Regulation 2021

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 provide that small bars cannot be used to operate as a facility regularly used for adult relaxation entertainment,
- (b) to clarify, following certain events being rescheduled, the extended hours in which certain hotels and clubs may trade during the Australian Open,
- (c) to provide that an application made during the COVID-19 pandemic to change the boundaries of licensed premises to incorporate certain outdoor areas allowed for use by a local council under section 166 of the *Liquor Act 2007* is exempt from the submission processes and fees prescribed for the making of these applications,
- (d) to insert a transitional provision consequent on the commencement of the *Liquor Amendment (Night-time Economy) Act 2020*,
- (e) to update the lists of licensed premises that are high risk venues.

This Regulation is made under the *Liquor Act 2007*, including sections 6(1)(l), 11(1)(b), 13, 99(1), 116B and 159 (the general regulation-making power) and Schedule 1, clause 1(1).

## **Liquor Amendment (Miscellaneous) Regulation 2021**

under the

Liquor Act 2007

### **1 Name of Regulation**

This Regulation is the *Liquor Amendment (Miscellaneous) Regulation 2021*.

### **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 11 Compliance history risk loading element

Insert after clause 11(5)—

#### (5A) Transitional

For the purposes of subclause (1A), the reference to a demerit point incurred or imposed against the licence, or a licensee or manager of the licensed premises, during the relevant compliance period for the assessment year includes a reference to a relevant demerit offence event that occurred on or after 1 January 2021 derived from an act or circumstance that occurred or existed before that date.

### [2] Clause 44B

Insert after clause 44A—

#### 44B Small bars—prohibition of use for adult relaxation entertainment

It is a condition of a small bar licence that the licensed premises cannot be used to operate as a facility regularly used for adult relaxation entertainment (including adult entertainment of a sexual nature).

### [3] Clauses 50(2), 52(3), 54(4) and 115(2)(b)

Omit “Authority and be obtained from Liquor & Gaming NSW” wherever occurring.

Insert instead “Secretary and published on a website maintained by Liquor & Gaming NSW”.

### [4] Clause 53 Minors prohibited in small bars during certain hours

Omit “, Department of Community Services” from clause 53(4).

### [5] Clause 130B, heading

Omit “dining purposes”. Insert instead “spaces”.

### [6] Clause 130B(3)

Omit clause 130B(3). Insert instead—

- (3) One or more of the following must apply to the licensed premises, or an application for an approval or a consent referred to in paragraphs (a)–(c) for the licensed premises has been made—
  - (a) an approval under section 125 of the *Roads Act 1993* to use part of a footway adjacent to the licensed premises for the purposes of food or drink premises (the **approved footway**),
  - (b) an approval under section 68 of the *Local Government Act 1993* to engage in a trade or business on community land (the **approved community land**),
  - (c) a consent under Part 9, Division 3 of the *Roads Act 1993* to erect a structure or carry out a work in, on or over a public road (the **approved road**),
  - (d) a decision by the local council under section 166 of the Act to temporarily allow use of a pathway, public open space, road or other premises for a purpose mentioned in section 166(1)(a) of the Act (the **allowed open space**).

**[7] Clause 130B(4)**

Omit “or an approved road”. Insert instead “, approved road or an allowed open space”.

**[8] Clause 130B(4)(a)**

Omit “or consent to use the approved road”.

Insert instead “consent to use the approved road or notice to allow the use of the allowed open space”.

**[9] Clause 130B(6)**

Omit “or approved road”. Insert instead “, approved road or allowed open space”.

**[10] Schedule 3 High risk venues and high risk venue exceptions**

Omit the matter relating to Beachhaus from Part 1, Division 1.

**[11] Schedule 3, Part 1, Division 1**

Omit “Barrio Chino”. Insert instead “Thai Rock”.

**[12] Schedule 3, Part 1, Division 1**

Omit “Cali Club Kings Cross”. Insert instead “Wonderland”.

**[13] Schedule 3, Part 2, Division 1**

Omit the matter relating to Jungle Sydney Bar, Mojo Hotel, Mr Tipples and the Rabbit Hole Bar.

Insert in alphabetical order by **Name of licensed premises**—

LIQH400101252

Kent St. Hotel

LIQH400110200

Scruffy Murphy’s Hotel

LIQH424006304

The Vault Bar

**[14] Schedule 5 Special events extended trading for hotels and clubs**

Omit “24 January 2021” from the matter relating to Australian Open Tennis Men’s and Women’s Fourth Round, but only if an Australian is playing.

Insert instead “14 February 2021”.

**[15] Schedule 5**

Omit “31 January 2021” from the matter relating to Australian Open Tennis Men’s Singles Final.

Insert instead “21 February 2021”.