

# Liquor Regulation 2008

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New South Wales

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### Authorisation

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# Liquor Regulation 2008



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Liquor Regulation 2008*.

### 2 Commencement

This Regulation commences on 1 July 2008.

### 3 Definitions

(1) In this Regulation:

**approved privacy course** means a training course with respect to the protection of the privacy of patrons of licensed premises and that is approved by the Secretary.

**existing licence** has the same meaning as in Part 2 of Schedule 1 to the Act.

**existing registered club** has the same meaning as in clause 93 of Schedule 2 to the *Registered Clubs Act 1976*.

**former Act** means the *Liquor Act 1982*.

**former Board** means the Liquor Administration Board constituted by section 72 of the former Act.

**former community liquor licence** means a community liquor licence granted under the *Liquor Act 1982* that is taken to be a hotel licence by virtue of clause 12 of Schedule 1 to the new Act.

**general late trading period**, in relation to premises, means:

- (a) the period between midnight on any day of the week and such later time at which the premises are required to cease trading, or
- (b) in the case of premises that are not required to cease trading at any time after midnight on any day of the week—the period between midnight and 7 am.

**high risk day period**—see clause 3A.

**high risk venue** means a high risk venue within the meaning of section 116B of the Act.

**licence-related authorisation** means any of the following:

- (a) an extended trading authorisation,
- (b) a drink on-premises authorisation,
- (c) any other authorisation that may be granted by the Authority under Part 3 of the Act (other than a licence),
- (d) a minors area authorisation,
- (e) a minors functions authorisation.

**multi-function limited licence** means a limited licence authorising the sale or supply of liquor as part of, or in connection with, more than one function.

**multi-occasion extended trading authorisation** means an extended trading authorisation of the kind referred to in section 49 (5) (c) or 49A (3) (c) of the Act.

**ongoing extended trading authorisation** means an extended trading authorisation of the kind referred to in section 49 (5) (a) or 49A (3) (a) of the Act.

**Opera House site** means the Opera House within the meaning of the [Sydney Opera House Trust Act 1961](#).

**single function limited licence** means a limited licence authorising the sale or supply of liquor as part of, or in connection with, one (but not more than one) function.

**special occasion extended trading authorisation** means an extended trading authorisation of the kind referred to in section 49 (5) (b) or 49A (3) (b) of the Act.

**Sydney CBD Entertainment precinct** means the area of that name described in Schedule 1A.

**the Act** or **the new Act** means the [Liquor Act 2007](#).

**tourist accommodation establishment** means:

- (a) premises operating under an on-premises, hotel or club licence that relates to accommodation premises, and
- (b) that provides accommodation in at least 20 rooms or self-contained suites (other than accommodation on a bed or dormitory-style basis rather than in separate rooms), and

- (c) that provides beverages, meals and other associated services to temporary residents and their guests,

but does not include any tourist accommodation establishment bar area on the premises that permits entry or exit (including by way of a vestibule) directly to a public street.

**tourist accommodation establishment bar area**, in relation to a tourist accommodation establishment, means any part of the establishment in which liquor is ordinarily sold or supplied for consumption in the establishment, but does not include:

- (a) a dining area in the establishment, or
- (b) any part of the establishment in which liquor is, otherwise than as authorised under section 17 (6) of the Act, sold or supplied exclusively to residents.

**weekend or holiday late trading period**, in relation to subject premises, means:

- (a) the period between midnight on any Friday, Saturday or public holiday night or night before a public holiday and such later time at which the premises are required to cease trading, or
- (b) in the case of premises that are not required to cease trading at any time after midnight on any Friday, Saturday or public holiday night or night before a public holiday—the period between midnight on any Friday, Saturday or public holiday night or night before a public holiday and 7 am, or
- (c) a high risk day period.

**Note—**

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Regulation.

- (2) Notes included in this Regulation do not form part of this Regulation.

**3A High risk day period**

- (1) The Secretary may by order published on the NSW legislation website declare a period on a specified day or part-day in a particular year to be a **high risk day period**.
- (2) The order can declare a high risk day period for the whole of a precinct or for a specified part of a precinct and for a specified venue, or class of venues, within such a precinct or part of a precinct.
- (3) An order declaring a high risk day period may only be made if the Secretary is satisfied that there is a risk that a significant degree of alcohol- related violence or other anti-social behaviour associated with the day will occur in the precinct, part precinct or venue or venues concerned on that day.

- (4) Notice in writing of an order declaring a high risk day period for a specified venue or class of venues must be given to the licensees of the venues concerned at least 28 days before the high risk day period.
- (5) The Secretary may by order published on the NSW legislation website cancel a high risk day period declared under this clause.
- (6) An order under subclause (1) or (5) must be published at least 21 days before the high risk day period.

## **Part 2 Application fees**

### **4 Application fees generally**

- (1) The application fees payable for the purposes of the Act are the fees specified in Schedule 1 (except as provided by clause 5).
- (2) The amount of the fee payable for an application is the amount specified under the heading "Total" in relation to the application concerned.
- (2A) If an application specified in Schedule 1 (other than an application for a limited licence (single function)) is made by means of an electronic system approved by the Authority, the amount specified under the heading "Processing component" in respect of the application is reduced by 10% and the total amount payable under this clause is reduced accordingly.
- (2B), (2C) (Repealed)
- (3) If an application:
  - (a) is refused by the Authority, or
  - (b) is granted by the Authority but is subsequently withdrawn by the applicant before the licence or other authorisation concerned takes effect, or
  - (c) is treated by the Authority as having been withdrawn,the fee that has been paid in connection with the application is to be refunded to the applicant, except for any amount specified under the heading "Processing component" (which is taken to be a fee to cover the costs incurred by the Authority in processing the application concerned).
- (4) If an application for a multi-occasion extended trading authorisation is made on or before 31 December 2016, any fee paid in connection with the application is to be refunded to the applicant.

### **5 Other application fees**

- (1) **Variation of extended trading authorisation** For the purposes of section 51 (10) of the

Act, the application fee to vary an extended trading authorisation is the same as the application fee would be for the extended trading authorisation (as varied) unless the variation reduces the number of trading hours in which case the application fee is nil.

- (2) **Removal of licence to other premises** For the purposes of section 59 (2) (b) of the Act, the application fee for approval to remove a licence to other premises is the same fee as the licence application fee specified in Part 1 of Schedule 1 for the particular type of licence concerned.

## Part 2A Periodic licence fees

### Note—

The first assessment date for periodic licence fees is 15 March 2015.

### 5A Definitions

In this Part:

**assessment date**—see clause 5B (1).

**assessment year** means a period of 12 months commencing on 15 March.

**base fee element**—see clause 5D (1).

**compliance history risk loading element**—see clause 5E (1).

**element** of a periodic licence fee—see clause 5C.

**location risk loading element**—see clause 5G (1).

**patron capacity loading element**—see clause 5H (1).

**periodic licence fee** means the periodic licence fee payable in respect of an assessment year for a licence (under section 58A of the Act).

**trading hours risk loading element**—see clause 5F (1).

### 5B Assessment date and due date for payment of periodic licence fees

- (1) The **assessment date** for a periodic licence fee is 15 March in each assessment year (with 15 March 2015 being the first assessment date).
- (2) The **due date** for the payment of a periodic licence fee is 29 May in each assessment year.
- (3) A licensee is not required to pay a periodic licence fee, or any element of a periodic licence fee, due on 29 May in any calendar year if the licence concerned was granted after 15 March in that year.

### 5C Periodic licence fees

The periodic licence fee for a licence is the sum of the following elements:

- (a) the base fee element (determined and adjusted under clause 5D),
- (b) the compliance history risk loading element (determined under clause 5E),
- (c) the trading hours risk loading element (determined under clause 5F),
- (d) the location risk loading element (determined under clause 5G), which is payable only if a compliance history risk loading element is payable,
- (e) the patron capacity loading element (determined under clause 5H), which is payable only if a compliance history risk loading element is payable.

### 5D Base fee element

(1) The **base fee element** of a periodic licence fee for a licence is as follows:

- (a) for a hotel licence (other than general bar licence or former community liquor licence)—\$500,
- (b) for a general bar licence—\$250,
- (c) for a club licence—\$500,
- (d) for a small bar licence—\$200,
- (e) for an on-premises licence—\$400,
- (f) for a packaged liquor licence:
  - (i) where the licensee holds 3 or less such licences, or the licensee or a business owner has an interest in the business, or the profits of the business, carried on under packaged liquor licences at 3 or less premises—\$500, or
  - (ii) where the licensee holds more than 3, but not more than 9, such licences, or the licensee or a business owner has an interest in the business, or the profits of the business, carried on under packaged liquor licences at more than 3, but not more than 9, premises—\$1,000, or
  - (iii) where the licensee holds more than 9 such licences, or the licensee or a business owner has an interest in the business, or the profits of the business, carried on under packaged liquor licences at more than 9 premises—\$2,000, or
  - (iv) where a combination of any of the matters referred to in subparagraphs (i)-(iii) applies—the highest of the amounts so referred to,
- (g) for a producer/wholesaler licence—\$200,

- (h) for a multi-function limited licence—\$100,
  - (i) for a former community liquor licence —\$100.
- (2) The base fee element referred to in this clause (the **adjustable fee amount**) is to be adjusted for inflation as provided by this clause on 15 March each year, beginning on 15 March 2016.
- (3) The adjustable fee amount that is to apply for any assessment year commencing on 15 March is to be determined by multiplying the adjustable fee amount that applied for the previous assessment year by the annual increase in the Consumer Price Index during that previous assessment year.
- (4) The annual increase in the Consumer Price Index during an assessment year is to be calculated as B/A where:
- A** is the Consumer Price Index number for the last quarter for which such a number was published before the start of the assessment year.
  - B** is the Consumer Price Index number for the last quarter for which such a number was published before the end of the assessment year.
- (5) If B/A is less than 1 (as a result of deflation), B/A is deemed to be 1.
- (6) Before the start of each assessment year, commencing on or after 15 March 2016, the Secretary is to publish notice of the amount of each adjustable fee amount for that assessment year (as adjusted under this clause) on the following websites:
- (a) the NSW legislation website,
  - (b) the website of the Department of Justice.
- (7) If the determination of an adjustable fee amount for an assessment year under this clause results in an amount that is not a whole number multiple of \$1, the amount calculated is to be rounded up to the nearest whole number multiple of \$1 and that amount as so rounded is the adjustable fee amount for that year.
- (8) In this clause:
- Consumer Price Index** means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician.
  - Consumer Price Index number**, in relation to a quarter, means the number for that quarter appearing in the Consumer Price Index.

#### **5E Compliance history risk loading element**

- (1) The **compliance history risk loading element** of a periodic licence fee for a licence is:



- (a) \$3,000—if one relevant prescribed offence event has occurred during the relevant compliance period that relates to a prescribed offence committed by the licensee or manager of the licensed premises, or
  - (b) \$6,000—if:
    - (i) 2 relevant prescribed offence events have occurred during the relevant compliance period that relate to prescribed offences committed by the licensee or manager of the licensed premises, or
    - (ii) the licence was, at any time during the relevant compliance period, listed in Table 2 at the end of clause 1 of Schedule 4 to the Act when that list was replaced in its entirety during the assessment year ending on the relevant assessment date, or
    - (iii) (Repealed)
  - (c) \$9,000—if:
    - (i) 3 or more relevant prescribed offence events have occurred during the relevant compliance period that relate to prescribed offences committed by the licensee or manager of the licensed premises, or
    - (ii) the licence was, at any time during the relevant compliance period, listed in Table 1 at the end of clause 1 of Schedule 4 to the Act when that list was replaced in its entirety during the assessment year ending on the relevant assessment date, or
    - (iii) (Repealed)
  - (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.
- (2) If none of the circumstances specified in subclause (1) exist in relation to a licence, no compliance history risk loading element is payable for the licence.
- (3) For the purposes of this clause, a **relevant prescribed offence event** occurs when:
- (a) a court convicts a person of a prescribed offence (whether or not it imposes any penalty), or
  - (b) an amount is paid under a penalty notice in respect of such an offence, or
  - (c) a penalty notice enforcement order under the *Fines Act 1996* is made against the person in respect of such an offence.
- (4) However, if:
- (a) the conviction is overturned on appeal, or

(b) the person elects, after an amount is paid under the penalty notice, to have the offence dealt with by a court, or

(c) the penalty notice, or the penalty notice enforcement order to the extent that it applies to the penalty notice, is withdrawn or annulled,

the relevant prescribed offence event derived from the conviction, payment or making of the order is taken not to have occurred and so much of the compliance history risk loading element as comprises the amount based on the relevant prescribed offence event is to be refunded by the Secretary to the licensee.

(5) If more than one prescribed offence is committed by the licensee or manager of the premises to which a licence relates within a single 24-hour period, no more than one relevant prescribed offence event is, for the purposes of this clause, taken to have occurred in relation to that licence.

(6) In this clause:

**prescribed offence** has the same meaning as in section 144B of the Act.

**relevant compliance period**, in relation to a periodic licence fee payable in respect of an assessment year, means the calendar year before the relevant assessment date for that year.

#### **5F Trading hours risk loading element**

(1) The **trading hours risk loading element** of a periodic licence fee for a licence is as follows:

(a) if, on the relevant assessment date, the licensee is authorised to sell or supply liquor to patrons on the licensed premises on a regular basis between midnight and 1.30 am (but not after 1.30 am) on any day—\$2,500,

(b) if, on the relevant assessment date, the licensee is authorised to sell or supply liquor to patrons on the licensed premises on a regular basis between 1.30 am and 5 am on any day—\$5,000,

(c) if, on the relevant assessment date, a multi-occasion extended trading authorisation is in force in respect of the premises (whether or not liquor is being sold or supplied in accordance with the authorisation on that date)—\$1,000.

(2) A trading hours risk loading element that applies to a producer/wholesaler licence endorsed with a drink on-premises authorisation is to be determined by reference to the period that the licensee is authorised to sell liquor by retail on the licensed premises, for consumption on the licensed premises, under the drink on-premises authorisation and not by reference to the period that the licensee is authorised to sell or supply liquor on the licensed premises on a regular basis under the producer/wholesaler licence.

- (3) An on-premises licence that relates to a vessel that is authorised under section 25 (9) (a) of the Act to sell liquor by retail to passengers on board the vessel is taken for the purposes of this Part to authorise the licensee to sell or supply liquor on licensed premises on a regular basis between 1.30 am and 5 am on any day. The operation of this subclause is subject to any licence condition that restricts the times at which liquor may be sold or supplied.
- (4) In this clause, a reference to the sale or supply of liquor to patrons does not include a reference to the sale or supply of liquor to:
- (a) a resident of the licensed premises concerned or to a guest of such a resident while the guest is in the resident's company, or
  - (b) an employee of the licensee, or
  - (c) a person referred to in section 29 (3) of the Act.
- (5) A trading hours risk loading element is not payable in relation to the following licences:
- (a) a producer/wholesaler licence that is not endorsed with a drink on-premises authorisation,
  - (b) a small bar licence,
  - (c) an on-premises licence that relates only to one or more of the following:
    - (i) accommodation premises,
    - (ii) a catering service,
    - (iii) an airport,
    - (iv) a restaurant where the licence is not endorsed under section 24 (3) of the Act with an authorisation that allows liquor to be sold or supplied for consumption on the licensed premises,
  - (d) a multi-function limited licence,
  - (e) a former community liquor licence,
  - (f) a packaged liquor licence,
  - (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.

#### **5G Location risk loading element**

- (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 a prescribed precinct.
- (2) A location risk loading element is not payable in relation to the following licences:
  - (a) a producer/wholesaler licence that is not endorsed with a drink on-premises authorisation that relates to premises within a prescribed precinct,
  - (b) a multi-function limited licence,
  - (c) a former community liquor licence.
- (3) (Repealed)

#### **5H Patron capacity loading element**

- (1) The **patron capacity loading element** of a periodic licence fee for a licence (which is payable only if a compliance history risk loading element is payable) is as follows:
  - (a) if, on the relevant assessment date, the patron capacity of the licensed premises is not more than 60 patrons—\$1,000,
  - (b) if, on the relevant assessment date, the patron capacity of the licensed premises is more than 60, but not more than 120, patrons—\$3,000,
  - (c) if, on the relevant assessment date, the patron capacity of the licensed premises is more than 120, but not more than 300, patrons—\$5,000,
  - (d) if, on the relevant assessment date, the patron capacity of the licensed premises is more than 300 patrons—\$8,000.
- (2) A patron capacity loading element that applies to a producer/wholesaler licence endorsed with a drink on-premises authorisation is to be determined by reference to that part of the licensed premises that is the subject of the drink on-premises authorisation and not by reference to the licensed premises under the producer/wholesaler licence.
- (3) A patron capacity loading element is not payable in relation to the following licences:
  - (a) a producer/wholesaler licence that is not endorsed with a drink on-premises

authorisation,

- (b) an on-premises licence that relates only to accommodation premises or a catering service (or both),
  - (c) a packaged liquor licence,
  - (d) a multi-function limited licence,
  - (e) a former community liquor licence.
- (4) It is a condition of each licence (other than a packaged liquor licence, a multi-function limited licence or a former community liquor licence) that the licensee must give the Secretary notice in writing of any change in the patron capacity of the licensed premises, with that notice being required to be given within 7 days of the change.
- (5) In this clause, **patron capacity**, in relation to licensed premises, means:
- (a) if the patron capacity is established by a licence condition—that patron capacity, or
  - (b) if the patron capacity is not established by a licence condition:
    - (i) the patron capacity that the licensee has notified to the Secretary before the relevant assessment date, or
    - (ii) if the patron capacity is not notified to the Secretary before the relevant assessment date or if the Secretary is not satisfied that the patron capacity notified to the Secretary is accurate—the patron capacity determined by the Secretary.
    - (iii) (Repealed)
- (6) In determining the **patron capacity** of licensed premises, any part of the premises that has been set aside exclusively for the purposes of accommodation of residents is taken not to be part of the licensed premises.

#### **51 Notice of periodic licence fee payable**

- (1) The Secretary is, as soon as is practicable after the assessment date for a periodic licence fee, but not less than 14 days before the due date for payment of the fee, to send a notice to the licensee liable to pay the fee.
- (2) The notice is to include:
  - (a) the total amount of the periodic licence fee payable, and
  - (b) the amount of each element of that fee that makes up that total amount, and
  - (c) the due date for payment of the fee.

- (3) A failure by the Secretary to comply with this clause does not affect a licensee's liability to pay a periodic licence fee, late payment fee or application for reinstatement fee.

**5J Late payment fee**

- (1) For the purposes of sections 58B (2) (b) and 58C (3) (b) (ii) of the Act, a late payment fee of the following amount is payable if the periodic licence fee payable for a licence has not been paid before the expiration of 28 days after the due date for payment:
  - (a) for a multi-function limited licence or a former community liquor licence—\$50,
  - (b) for any other type of licence—\$100.
- (2) The Secretary may waive or refund all or part of a late payment fee payable under this clause in any circumstances that the Secretary considers appropriate.
- (3) It is a condition of a licence that any late payment fee payable for the licence that has not been waived must be paid before the expiration of 28 days after the due date for payment of the periodic licence fee.

**5K Application for reinstatement fees**

- (1) For the purposes of section 58C (3) (b) (iii) of the Act, an application fee of \$250 must accompany an application for the reinstatement of a licence cancelled under section 58B (3) of the Act.
- (2) (Repealed)
- (3) The Secretary may waive or refund all or part of the fee that is required to accompany an application under section 58C (3) (b) (iii) of the Act for a reinstatement of a cancelled licence in any circumstances that the Secretary considers appropriate.

**5L Re-assessment of periodic licence fee**

- (1) The Secretary may re-assess a periodic licence fee at the request of the licensee or on the Secretary's own initiative. Any such request must be made no later than 56 days after 29 May (that is, no later than the date on which the licence would otherwise be cancelled for late payment under section 58B of the Act).
- (2) If the Secretary is satisfied that an error was made in an assessment of the periodic licence fee (including an assessment based on an incorrect knowledge of the relevant circumstances), the Secretary may re-assess the periodic licence fee and send a further notice to the licensee concerned.
- (3) The further notice is to include the following:
  - (a) a statement as to the amount of re-assessed periodic licence fee,

- (b) if the licensee has not paid the initially assessed periodic licence fee—the due date for the payment of the re-assessed periodic licence fee (being a date no later than 56 days after 29 May),
  - (c) if the licensee has paid the initially assessed periodic licence fee and the amount of the re-assessed fee is greater than the amount of the initially assessed fee—the due date for the payment of the difference in amounts (being a date no later than 56 days after 29 May).
- (4) If the licensee has paid the initially assessed periodic licence fee and the amount of the re-assessed periodic licence fee is less than the amount of the initially assessed fee, the Secretary is to refund the difference to the licensee.

**5M Waiver of elements of periodic licence fee**

- (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.
- (2) On receiving such an application, the Secretary may:
- (a) if the Secretary is satisfied that the applicant is suffering financial hardship, waive any or all elements of the periodic licence fee payable in respect of the licence held by the applicant, or
  - (b) refuse to waive any element.

**5N Transitional provisions: phasing-in of periodic licence fees**

- (1) Despite clause 5C, for the assessment years commencing on 15 March 2015 and 15 March 2016:
- (a) only the base fee element and trading hours risk loading element of a periodic licence fee are payable, and
  - (b) any compliance history risk loading element, location risk loading element or patron capacity loading element is not payable.
- (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.

**5O (Repealed)**

## **Part 3 Provisions relating to applications**

### **Division 1 Advertising requirements**

#### **6 Definitions**

(1) In this Division:

**application** means any of the following:

- (a) an application for a licence,
- (b) an application by a licensee for the revocation or variation of a condition of the licence or a condition of a licence-related authorisation (other than a revocation or variation that would result in reduced trading hours),
- (c) an application to vary the business or activity, or the kind of premises, specified in an on-premises licence,
- (d) an application for approval to remove a licence to other premises,
- (e) an application by a licensee for a licence-related authorisation or for the variation of a licence-related authorisation (other than a variation that would result in reduced trading hours),
- (f) an application to carry on business on temporary premises.

**neighbouring premises**, in relation to an application, means:

- (a) any building situated on land that is within 50 metres of the boundary of the premises to which the application relates, or
- (b) if a category B CIS (as referred to in clause 10 (3)) is required to accompany the application—any building situated on land that is within 100 metres of the boundary of the premises to which the application relates, or
- (c) any building situated on land adjoining the boundary of the land on which the premises to which the application relates are or will be situated (or that would be land adjoining that boundary if it were not for a road separating the land).

(2) In this Division, a reference to the premises to which an application relates is, in the case of an application for approval to remove a licence to other premises, a reference to the premises to which it is proposed to remove the licence.

#### **7 Occupiers of neighbouring premises to be notified of application**

(1) The occupier of neighbouring premises must be notified by an applicant of the making of an application.



- (1A) The notice may be given before the making of the application but must be given no later than 2 working days after the application is made.
- (2) The notice must be in the form, and be given in the manner, approved by the Authority.
- (3) This clause applies in relation to a licence-related authorisation only if it is:
  - (a) an extended trading authorisation (other than a special occasion extended trading authorisation), or
  - (b) a drink on-premises authorisation, or
  - (c) an authorisation under section 24 (3) of the Act.
- (4) This clause does not apply in relation to an application for:
  - (a) a producer/wholesaler licence, or
  - (b) a limited licence.

#### **8 Other persons to be notified of application**

- (1) Each of the following must be notified by an applicant of the making of an application:
  - (a) the local police,
  - (b) the local consent authority,
  - (c) if the premises to which the application relates are, or will be, situated within 500 metres of the boundary of another local government area—the local consent authority for that other area,
  - (d) if the premises to which the application relates are, or will be, situated on Crown land within the meaning of the *Crown Lands Act 1989*—the Minister administering that Act,
  - (e) if the application is a relevant application as referred to in section 48 (2) of the Act—each of the other relevant stakeholders referred to in clause 11 (2) or (3) (as the case requires),
  - (f) any other person or body (including any class of person or body) that the Authority has advised the applicant must be notified.
- (1A) The notice may be given before the making of the application but must be given no later than 2 working days after the application is made.
- (2) The notice must be in the form, and be given in the manner, approved by the Authority.

- (3) This clause does not apply in relation to an application that is of a class determined by the Authority as a class of application that may be made by means of an electronic system approved by the Authority.

#### **9 Notice relating to application to be fixed to premises**

- (1) If an application is made to the Authority, a notice relating to the application that is in the form approved by the Authority must, within 2 working days of making the application, be fixed by the applicant to the premises to which the application relates.
- (2) The notice must be fixed to the premises until such time as the application is determined by the Authority.
- (3) If premises have not been erected, the requirement to fix a notice relating to an application may be satisfied by fixing the notice to a notice board erected on the land on which it is proposed to erect the premises.
- (4) A notice is not fixed to premises or land in accordance with this clause unless:
  - (a) it is fixed to the premises or land in such a position that it is legible to members of the public passing the premises or land, and
  - (b) if the Authority has directed that it also be fixed in another specified position—it is also fixed in that other position.
- (5) This clause applies in relation to a licence-related authorisation only if it is:
  - (a) an extended trading authorisation, or
  - (b) a drink on-premises authorisation, or
  - (c) an authorisation under section 24 (3) of the Act.
- (6) This clause does not apply in relation to an application for a limited licence.

#### **9A Exemption for small bar applications**

- (1) This Division does not apply to or in respect of a small bar application if:
  - (a) development consent is required under the *Environmental Planning and Assessment Act 1979* to use the premises to which the application relates as a small bar or to sell liquor during the times to which the application relates, and
  - (b) the local police and the Secretary are, no more than 2 working days after the application for the required development consent, or any variation to that application, is made, notified by the applicant of the making of the application for development consent or of the variation to that application.
- (2) However, a person who makes a small bar application must notify the local police of

the making of the application no later than 2 working days after the application is made.

(3) In this clause:

**small bar application** means any of the following:

- (a) an application for a small bar licence,
- (b) an application for approval to remove a small bar licence to other premises,
- (c) an application for an extended trading authorisation for a small bar,
- (d) an application to vary an extended trading authorisation for a small bar.

(4) Without limiting subclause (1), this Division does not apply to or in respect of an application for a small bar licence if:

- (a) the application relates to the same premises as the premises to which a general bar licence relates, and
- (b) development consent has been obtained under the [Environmental Planning and Assessment Act 1979](#) to sell liquor during the times to which the application relates and those times are specified in the development consent.

### **9B Exemption for restaurant licence applications made online**

- (1) This Division does not apply to or in respect of an application for an on-premises licence relating to a restaurant if the application results in the issuing of an interim restaurant authorisation under clause 16A.
- (2) However, a person who makes any such licence application must notify the local police and the local consent authority of the making of the application no later than 2 working days after the application is made.

### **9C Compliance with advertising requirements**

- (1) An applicant is taken to have complied with any of the requirements under this Division in relation to an application if the Authority is satisfied that the applicant has made all reasonable efforts to comply with the requirement.
- (2) The Authority may also determine that a failure to comply with a requirement under this Division is to be disregarded for the purposes of this Division if the Authority is satisfied that the failure is of a minor or technical nature.

## **Division 2 Community impact statements**

### **10 Categories of CIS**

- (1) A community impact statement (**CIS**) that is required to accompany a relevant

application (as referred to in section 48 (2) of the Act) is to be a category A CIS or a category B CIS as determined in accordance with this clause.

(2) A **category A CIS** is required if the relevant application is:

- (a) an application for a packaged liquor licence that is limited to the sale of liquor only by means of taking orders over the telephone or by facsimile or mail order, or through an Internet site, or
- (b) (Repealed)
- (c) an application under section 59 of the Act for approval to remove a licence referred to in paragraph (a) to other premises, or
- (d) (Repealed)
- (e) an application for an extended trading authorisation in relation to an on-premises licence if the authorisation operates to authorise the sale of liquor (otherwise than to the residents of the licensed premises and their guests) at any time between 5 am and 10 am or between 10 pm and midnight on a Sunday, or
- (e1) an application for a multi-occasion extended trading authorisation, or
- (f) an application for an authorisation under section 24 (3) of the Act, or
- (g) an application that is required by the Authority under paragraph (f) of the definition of **relevant application** in section 48 (2) of the Act to be accompanied by a category A CIS.

(3) A **category B CIS** is required if the relevant application is:

- (a) an application for a hotel licence, or
- (b) an application for a club licence, or
- (b1) an application for a small bar licence, or

**Note—**

Applications in relation to small bars are exempt from the CIS requirements in certain circumstances—see section 48 (3A) of the Act.

- (c) an application for a packaged liquor licence (other than a licence that is limited to the sale or supply of liquor through an Internet site), or
- (d) an application for a on-premises licence that relates to a public entertainment venue other than a cinema or a theatre, or
- (e) an application for an ongoing extended trading authorisation in relation to a licence referred to in paragraphs (a)-(d), or

- (f) an application under section 59 of the Act for approval to remove a licence referred to in paragraphs (a)–(d) to other premises, or
  - (g) an application for an ongoing extended trading authorisation in relation to an on-premises licence if the authorisation operates to authorise the sale of liquor at any time between midnight and 5 am, or
  - (h) an application for an ongoing extended trading authorisation in relation to a producer/wholesaler licence if the authorisation operates to authorise the sale of liquor by retail (otherwise than to the residents of the licensed premises and their guests) at any time between midnight and 5 am, or
  - (i) an application that is required by the Authority under paragraph (f) of the definition of **relevant application** in section 48 (2) of the Act to be accompanied by a category B CIS.
- (4) A category A CIS is not required to accompany an application for a multi-occasion extended trading authorisation if:
- (a) in the case of an application that relates to club premises—the club premises have unrestricted trading hours at the time the application is made, or
  - (b) in the case of an application that relates to club premises—within the period of 6 months before the application is made:
    - (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
  - (c) in the case of an application that relates to any other licensed premises—the trading hours of the premises at the time the application is made are equal to or more than the trading hours under the proposed extended trading authorisation.

#### **10A CIS to address matters relating to gambling activities in hotels during extended trading periods**

In the case of an application for an extended trading authorisation in relation to a hotel licence, the matters to be addressed by a CIS are to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.

## **11 Preparation of CIS—consultation requirements**

- (1) In preparing a CIS, the applicant must provide each relevant stakeholder with a notice, in the form and manner approved by the Authority, containing information about the relevant application and the process by which the stakeholder is able to consult with the applicant on the relevant application.
- (2) In the case of a category A CIS, the relevant stakeholders are as follows:
  - (a) the local consent authority,
  - (b) if the premises to which the relevant application relates are, or will be, situated within 500 metres of the boundary of another local government area—the local consent authority for that other area,
  - (c) the local police,
  - (d) such other stakeholders as are determined by the Authority.
  - (e) (Repealed)
- (3) In the case of a category B CIS, the relevant stakeholders are as follows:
  - (a) the local consent authority,
  - (b) if the premises to which the relevant application relates are, or will be, situated within 500 metres of the boundary of another local government area—the local consent authority for that other area,
  - (c) the local police,
  - (d) the Department of Health,
  - (e) the Department of Community Services,
  - (f) the Roads and Traffic Authority,
  - (g) the recognised leaders or representatives of the local Aboriginal community (if any) in the area,
  - (h) the occupier of any neighbouring premises as referred to in clause 6,
  - (i) such other stakeholders as are determined by the Authority.
- (4) Without limiting subclause (3), the relevant stakeholders include, in the case of an application for an extended trading authorisation in relation to a hotel licence, any organisation located in the local government area in which the hotel is situated that receives funding from the Responsible Gambling Fund under the *Casino Control Act 1992* for the specific purpose of providing gambling-related counselling or treatment services.

### **11A CIS exemptions for applications relating to certain premises**

- (1) A community impact statement is not required to accompany an application for a licence or licence-related authorisation that relates to the same business or activity carried out immediately before the commencement of this clause on any premises situated within:
  - (a) the Opera House site, or
  - (b) Warwick Farm Racecourse, or
  - (c) Canterbury Racecourse.
- (2) Subclause (1) only applies in relation to an application for a licence or licence-related authorisation that is made within the period of 3 months immediately following the commencement of this clause.

## **Division 3 General**

### **12 Submissions in relation to applications**

- (1) Any person may, subject to this clause, make a submission to the Authority in relation to any application that is made to the Authority under the Act.
- (2) Any such submission must:
  - (a) specify details of the application to which the submission relates, and
  - (b) be made within 30 days of the date on which the application was made, or such shorter period as the Authority may determine in any particular case.
- (3) In the case of an application for:
  - (a) a limited licence, or
  - (b) a special occasion extended trading authorisation, or
  - (c) an authorisation under section 14 (6) of the Act (relating to hotel functions on other premises), or
  - (d) a drink on-premises authorisation that is, in the opinion of the Authority, of a temporary nature,submissions must be made within 14 days of the date on which the application was made, or such shorter period as the Authority may determine in any particular case.
- (4) Despite subclauses (2) and (3), the Authority may, in such cases as the Authority thinks fit, extend the period in which persons may make submissions in relation to any particular application or class of applications.

- (5) This clause does not apply in relation to an application for an on-premises licence relating to a restaurant if the application results in the issuing of an interim restaurant authorisation under clause 16A.

### **12A Reasons for decisions relating to certain applications requiring category A CIS**

- (1) In this clause:

**interested party**, in relation to a relevant application, means:

- (a) a person or body referred to in clause 11 (2) who is required to be consulted under that clause, and
- (b) any person who has made a submission under clause 12.

**relevant application** means an application of the kind referred to in clause 10 (2) (e).

#### **Note—**

In the case of applications that are required to be accompanied by a category B CIS, see the regulations made under section 36C of the *Gaming and Liquor Administration Act 2007*.

- (2) If the Authority makes a decision in relation to a relevant application, the applicant or any interested party may request the Authority to provide a statement in writing of the reasons for the decision.
- (3) The Authority may refuse to provide a statement of reasons to an interested party if:
- (a) the request is made later than 28 days after the decision is made, or
- (b) in the case of a person who has made a submission under clause 12—the Authority is of the opinion that the person's submission was trivial or vexatious.

### **13 Referral of certain applications not required**

The Authority is not, under section 42 of the Act, required to refer any of the following applications to the Secretary:

- (a) an application for a single function limited licence,
- (b) an application that is to be determined by a designated Public Service employee (within the meaning of section 3 (1) of the *Gaming and Liquor Administration Act 2007*) acting under a delegation given by the Authority in respect of the application.

### **14 Advertising of other applications**

- (1) If an application (other than an application to which Division 1 applies) is made to the Authority, the Authority may require the application to be advertised in such manner as the Authority considers appropriate.



- (2) The Authority may refuse to determine any such application unless it has been advertised in accordance with any requirement.

### **15 Applications for certain licence-related authorisations**

- (1) This clause applies in relation to an application for any of the following:
- (a) an extended trading authorisation (other than a special occasion extended trading authorisation),
  - (b) a drink on-premises authorisation,
  - (c) an authorisation under section 24 (3) of the Act.
- (2) An application to which this clause applies must demonstrate, to the satisfaction of the Authority, that:
- (a) practices are in place, and will remain in place, at the licensed premises to which the application relates that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and
  - (b) if development consent under the *Environmental Planning and Assessment Act 1979* (or an approval under Part 3A or Part 5.1 of that Act) is required to use the licensed premises in accordance with the licence-related authorisation concerned—the required consent or approval is in force.

### **16 Information relating to persons interested in licensee's business**

Section 41 of the Act does not apply in relation to an application for a limited licence.

## **Division 4 Interim restaurant authorisations**

### **16A Issue of interim restaurant authorisation to applicants for restaurant licence**

- (1) A person who, on or after the commencement of this clause, makes an application for an on-premises licence relating to a restaurant is, when the application is made, to be issued with an interim restaurant authorisation by the Secretary if:
- (a) the application is made online, and
  - (b) the application is not required to be accompanied by a community impact statement under section 48 of the Act, and
  - (c) the application is, except to the extent provided by this clause, made in accordance with sections 40 and 41 of the Act, and
  - (d) any planning approval required to use the premises for the purposes of a restaurant is in force, and

- (e) the application for the planning approval was subject to a public consultation process under the *Environmental Planning and Assessment Act 1979* and indicated that the premises are intended to operate as a licensed restaurant.
- (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.
- (2) The Secretary may, by notice in writing to the person making the licence application, require the person to provide such information as the Secretary requires in relation to matters referred to in subclause (1). If any such information is not provided within 30 days from the giving of the notice the Secretary may revoke the interim restaurant authorisation issued to the person.
- (3) If:
- (a) an application for an on-premises licence relating to a restaurant was made in accordance with the Act before the commencement of this clause but was not determined before that commencement, and
  - (b) the application was not required to be accompanied by a community impact statement under section 48 of the Act, and
  - (c) any planning approval required to use the premises for the purposes of a restaurant is in force, and
  - (d) the application for the planning approval was subject to a public consultation process under the *Environmental Planning and Assessment Act 1979* and indicated that the premises are intended to operate as a licensed restaurant,
- the Secretary may issue the licence applicant with an interim restaurant authorisation.
- (4) An interim restaurant authorisation under this clause is to be in the form approved by the Secretary.
- (5) While an interim restaurant authorisation under this clause is in force, the person to whom the authorisation is issued, and any employee or agent of that person, is exempt from so much of section 7 of the Act as would prohibit the person, employee or agent from selling liquor on the premises to which the authorisation relates.
- (6) Subclause (5) is subject to the following requirements:

- (a) the sale of liquor on the premises to which the authorisation relates and the operation of those premises must comply with the licence conditions under the Act and this Regulation that would apply in relation to the premises if they were a licensed restaurant,
  - (b) any person selling liquor on the premises to which the authorisation relates must hold current recognised RSA certification under Division 1 of Part 5,
  - (c) in the case of an interim restaurant authorisation issued under subclause (3), liquor cannot be sold on the premises unless the local police and the local consent authority have been given at least 2 days' notice before trading commences.
- (7) The Secretary may revoke an interim restaurant authorisation at any time if the Secretary is satisfied that:
- (a) the requirements or other matters referred to in subclause (1) or (3) (as the case requires) were not complied with, or were not applicable to the licence application, at the time the authorisation was issued, or
  - (b) any requirement referred to in subclause (6) has not been complied with in respect of the premises to which the authorisation relates.
- (8) While an interim restaurant authorisation is in force:
- (a) the premises to which the authorisation relates are taken to be licensed premises, and
  - (b) the person to whom the authorisation is issued is taken to be the licensee of those premises,
- for the purposes of the Act and this Regulation.
- (9) Subclause (8) does not apply in relation to Division 3 of Part 4 of the Act or to such other provisions of the Act or this Regulation as the Secretary may determine by order in writing.
- (10) Unless it is revoked by the Secretary, an interim restaurant authorisation continues to be in force until the licence application in respect of which the authorisation was issued is determined by the Authority in accordance with the Act.
- (11) For the purposes of this clause, **planning approval** means development consent under the [Environmental Planning and Assessment Act 1979](#) or approval under Part 3A or 5.1 of that Act.
- (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.

## **Part 4 Licences and licensed premises—miscellaneous provisions**

### **17 General and small bar licences—prohibition on gambling**

It is a condition of a general bar licence or a small bar licence that the licensed premises cannot be used:

- (a) to conduct a totalizator, or to conduct any betting activity, under the authority of a licence granted under the *Totalizator Act 1997*, or
- (b) to conduct a public lottery (within the meaning of the *Public Lotteries Act 1996*) authorised under that Act.

**Note—**

Keno is a form of public lottery.

### **17A Small bars—maximum number of patrons**

For the purposes of section 20C (1) of the Act, the prescribed number is 100.

### **18 On-premises licence—excluded premises**

For the purposes of section 21 of the Act, premises that operate primarily as premises providing entertainment by way of amusement machines (such as pinball machines or video games), pool tables, games of poker using playing cards or juke boxes are prescribed:

- (a) as premises in respect of which an on-premises licence must not be granted, or
- (b) if an on-premises licence has been granted for the premises—as premises in respect of which the authorisation conferred by the licence does not apply.

### **19 On-premises licence—authorisations allowing liquor to be sold without another product or service**

(1) An authorisation under section 24 (3) of the Act is subject to the following conditions:

- (a) a notice, in the form approved by the Authority, relating to the authorisation and its effect must be displayed at or near every entrance by which members of the public may enter the licensed premises in such a manner and in such a position that a person coming in by the entrance would reasonably be expected to be alerted to its contents,
- (b) (Repealed)
- (c) the licensee must, on a monthly basis, record the total liquor sales during that month and the total sales of the other product or service during that month, and make each such record available for inspection by a police officer or inspector on request.

(d) (Repealed)

- (2) In the case of an authorisation under section 24 (3) of the Act that is, as provided by Schedule 1 to the Act, a continuation of a dine-or-drink authority under the former Act, the condition referred to in subclause (1) (a) does not apply in relation to the licensed premises concerned until after 31 December 2008.

## **20 On-premises licence—authorisation to trade on premises other than licensed premises**

- (1) In this clause:

**relevant authorisation** means an authorisation under section 25 (6) of the Act to sell liquor on premises other than the licensed premises to which an on-premises licence relates.

- (2) A relevant authorisation may be granted by the Authority only for the purposes of authorising the licensee to sell liquor:
- (a) in the case of a licensee who carries on a commercial catering business—on any premises in respect of which the licensee provides catering services, or
  - (b) to a person who is participating in a commercial tour operated by the licensee or a related corporation of the licensee.
- (3) A relevant authorisation is subject to the condition that food of a nature consistent with the responsible sale, supply and service of alcohol is made available whenever liquor is sold or supplied on any premises in accordance with the authorisation.
- (4) A relevant authorisation is, on the commencement of this Regulation, taken to be in force in relation to an existing caterer's licence that is, under Schedule 1 to the Act, converted to an on-premises licence that relates to a catering service. Any such relevant authorisation authorises the licensee to sell liquor, at any time when liquor is authorised to be sold or supplied under the licence, on any premises in respect of which the licensee provides catering services.
- (5) A relevant authorisation that is, or is taken to be, held by a licensee who carries on a commercial catering business is subject to the following conditions:
- (a) the licensee must give written notice of any proposal to provide catering services at a function to be held under the authorisation to the local police and the local council for the area in which the function is to be held,
  - (b) the notice must include the following details:
    - (i) the address of the premises on which the function is to be held,
    - (ii) the name of the occupier of those premises,
    - (iii) the nature of the function,

- (iv) the number of persons for whom catering services are to be provided at the function,
- (v) the date on which, and the hours during which, the function is to be held,
- (c) the notice must be given not less than 14 days before the date on which the function is to be held,
- (d) the licensee must not sell or supply liquor on any premises in respect of which an application by any person for any of the following has been refused by the Authority within the previous 2 years:
  - (i) a licence,
  - (ii) the removal of a licence to those premises,
  - (iii) an extended trading authorisation.
- (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.

**21 On-premises licence—authorisation to sell liquor for consumption away from licensed premises**

- (1) An authorisation under section 26 of the Act to sell liquor for consumption away from the premises to which an on-premises licence relates may be granted by the Authority only if:
  - (a) the licence is held by or on behalf of a non-proprietary association and the Authority is satisfied that the licensed premises promote tourism or industry in the local area in which the premises are situated, or
  - (b) the licensed premises are situated in or on a facility that is under the control or management of a public authority (whether or not the licence is held by or behalf of the public authority).
- (2) An authorisation under section 26 of the Act is subject to the following conditions:
  - (a) in the case of licensed premises referred to in subclause (1) (a)—liquor may only be sold for consumption away from the premises if it has been produced in the local area in which the premises are situated,
  - (b) in the case of licensed premises referred to in subclause (1) (b)—liquor may only be sold for consumption away from the premises if it is a souvenir liquor product of the public authority concerned,
  - (c) in the case of an authorisation in force immediately before the commencement of

the *Liquor Amendment (Takeaway Souvenir Liquor Sales) Regulation 2010*—liquor may only be sold under the authorisation between 10 am and 10 pm.

- (2A) An authorisation under section 26 of the Act cannot authorise the sale of liquor between midnight and 5 am.
- (3) An authorisation under section 26 of the Act cannot be granted if the premises to which the on-premises licence relates are a vessel, an aircraft or any moving vehicle.
- (4) An existing Governor’s licence that is, under Schedule 1 to the Act, converted to an on-premises licence is taken to be endorsed with an authorisation under section 26 of the Act if the sale of liquor for consumption away from the licensed premises was authorised under the former Act.
- (5) For the purposes of subclause (2) (b), liquor is a **souvenir liquor product** of a public authority only if:
- (a) the bottle or other container in which the liquor is contained is, with the permission of the public authority, marked with the name, logo or other distinguishing feature of the public authority or the facility in or on which the licensed premises are situated, and
  - (b) it is promoted primarily as a souvenir of the public authority or that facility, and
  - (c) it is sold or made available for sale with the permission of the public authority.
- (6) In this clause:

**facility** means a facility (including any building or land) that is operated or used for a cultural, sporting, recreational, educational or scientific purpose.

**public authority** means a statutory body referred to in Schedule 2 to the *Public Finance and Audit Act 1983*.

## 22 Licensed cinemas and theatres

Sections 123–126 of the Act do not apply to or in respect of a licensed public entertainment venue that is a cinema or a theatre.

### 22A Trading past midnight on morning of restricted trading day

Sections 14 (3) and 25 (3) of the Act do not apply to or in respect of licensed premises during any period that the premises would otherwise be authorised to trade in accordance with an extended trading authorisation that is in force in relation to the premises.

## 23 Notice relating to industry shows and producers’ markets or fairs

- (1) For the purposes of section 33 (1) (d) and (e) of the Act, the notice required to be given to the Authority and local police by the organiser of an industry show or a

producers' market or fair is to be in writing and in the form approved by the Authority.

- (2) It is a condition of a producer/wholesaler licence that the licensee must not sell or supply the licensee's product at an industry show or at a producers' market or fair in accordance with section 33 (1) (d) or (e) of the Act unless the local council in whose area the industry show or market or fair is to be held has been notified, in writing and in the form approved by the Authority, about the industry show or market or fair (as the case requires) at least 7 days before it is held.

#### **24 Requirements relating to producers' markets or fairs**

The following requirements are prescribed for the purposes of the definition of **producers' market or fair** in section 33 (5) of the Act:

- (a) the market or fair must include a minimum of 10 stall holders displaying their produce or other products for sale directly to the public,
- (b) the market or fair must be promoted as being a market or fair at which farmers or primary producers display and sell their products directly to the public,
- (c) (Repealed)

#### **25 Wine producers—prescribed percentage of wine that is licensee's own product**

For the purposes of paragraph (b) of the definition of **licensee's product** in section 33 (3) of the Act, the prescribed percentage is:

- (a) 50%—in the case of wine that has been produced by or under the direction of the licensee (or a related corporation of the licensee) on the licensed premises or a vineyard related to the licensed premises, or
- (b) 85%—in the case of wine that has been produced on the licensee's behalf, or under the direction of the licensee or a related corporation of the licensee, from fruit grown on the licensed premises or a vineyard related to the licensed premises.

#### **26 Multiple premises of wine producers**

- (1) For the purposes of section 35 (2) of the Act, the licensed premises of a wine producer are all located in the same wine region if the premises are all located in one, but not more than one, of the following wine regions (being a wine region that is a geographical indication determined under [Australian Grape and Wine Authority Act 2013](#) of the Commonwealth):
  - (a) Murray Darling,
  - (b) Perricoota,
  - (c) Riverina,



- (d) Swan Hill,
- (e) Cowra,
- (f) Mudgee,
- (g) Orange,
- (h) Hunter,
- (i) Hastings River,
- (j) New England Australia,
- (k) Shoalhaven Coast,
- (l) Southern Highlands,
- (m) Canberra District,
- (n) Gundagai,
- (o) Hilltops,
- (p) Tumbarumba,
- (q) Western Plains.

(2) However, if the licensed premises of a wine producer are not located in any of the wine regions referred to in subclause (1), the licensed premises of the wine producer are, for the purposes of section 35 (2) of the Act, taken to be all located in the same wine region if the premises are all located within 20 km of each other.

## **27 Incident registers**

For the purposes of section 56 (2) (d) of the Act, any incident that results in a patron of the licensed premises requiring medical assistance is prescribed as an incident that must, if it occurs outside of the standard trading period for the premises, be recorded in the incident register required to be maintained under that section.

## **28 Closure of licensed premises by Authority**

For the purposes of section 84 (5) of the Act, the Authority cannot require the closure of premises for a period of more than 6 months.

## **29 Display of name of licensed premises**

(1) The sign required by section 95 (1) of the Act to appear and be maintained on the front of licensed premises must:

- (a) appear and be maintained in such a manner that it may be read from the part of a

public place to which the front of the premises abuts, and

(b) include the name of the licensee, and

(c) in the case of a hotel licence that is designated as a general bar licence—indicate that the licence for the premises is a general bar licence, and

(d) in the case of an on-premises licence—indicate either the business or activity carried out on the licensed premises or the kind of licensed premises to which the licence relates.

(2) Subclause (1) (a) and (b) does not apply to the licensed premises of an existing registered club until after 31 December 2009.

(3) Subclause (1) (d) does not apply to the licensed premises of an on-premises licence that is a continuation of an existing on-licence until after 31 December 2009.

### **30 (Repealed)**

### **31 Sale or supply of liquor to minors prohibited—notice to be displayed in licensed premises**

(1) A licensee must cause a notice that contains the following words to be displayed in the licensed premises in accordance with this clause:

IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO, OR TO OBTAIN ALCOHOL ON BEHALF OF, A PERSON UNDER THE AGE OF 18 YEARS

Maximum penalty: 20 penalty units.

(2) The notice must be in the form approved by the Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.

(3) The notice must be prominently displayed:

(a) in the case of premises where liquor is sold at a bar or counter—at the bar or counter, in such a manner and in such a position that a person standing at the bar or counter would reasonably be expected to be alerted to its contents, and

(b) in the case of premises where liquor is not sold at a bar or counter but is otherwise sold—at or near every entrance by which members of the public may enter the premises, in such a manner and in such a position that a person coming in by the entrance would reasonably be expected to be alerted to its contents.

(4) Despite subclause (1), a notice that complied with clause 33 of the *Liquor Regulation 1996*, as in force immediately before 1 July 2008, may continue to be used until the end of the period of 12 months from that date or until the date the notice is replaced, whichever happens first.

- (5) This clause does not apply in relation to a licensee that is an existing registered club until after 31 December 2008.

### **32 Sale of liquor through Internet site—notice to be displayed**

- (1) A licensee who offers liquor for sale through an Internet site must display on the site, at all times while it is accessible, the following notice in accordance with this clause:

LIQUOR ACT 2007

IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO, OR TO OBTAIN ALCOHOL ON BEHALF OF, A PERSON UNDER THE AGE OF 18 YEARS

Maximum penalty: 20 penalty units.

- (2) The words contained in the notice must be big enough to ensure that a person accessing the Internet site would reasonably be expected to be alerted to the contents of the notice.
- (3) Despite subclause (1), a notice that complied with clause 33A of the *Liquor Regulation 1996*, as in force immediately before 1 July 2008, may continue to be used until the end of the period of 12 months from that date or until the date the notice is replaced, whichever happens first.

### **33 Bar areas of hotels and clubs**

- (1) In this clause:

**bar area** means the bar area of hotel or club premises.

- (2) A licensee must cause a notice that contains the following words to be displayed, in accordance with this clause, in the bar area of the hotel or club premises concerned:

PERSONS UNDER THE AGE OF 18 YEARS ARE NOT PERMITTED IN THIS AREA BY LAW

Maximum penalty: 20 penalty units.

- (3) The notice must be in the form approved by the Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.
- (4) The notice must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the premises in which the notice is displayed would reasonably be expected to be alerted to its contents.
- (5) Despite subclause (1), a notice that complied with clause 34 of the *Liquor Regulation 1996* or clause 12 (1) of the *Registered Clubs Regulation 1996*, as in force immediately before 1 July 2008, may continue to be used until the end of the period of 12 months from that date or until the date the notice is replaced, whichever happens first.

- (6) Section 124 (1) (a) or (2) (a) of the Act does not apply in relation to a licensee if the minor who is in the bar area is performing in a show or other live entertainment performance held in the bar area and is in the company of a responsible adult while in the bar area.

**33A Minors prohibited in small bars during trading hours—notice to be displayed**

- (1) The licensee of a small bar must cause a notice that contains the following words to be displayed, in accordance with this clause, on the licensed premises:

PERSONS UNDER THE AGE OF 18 YEARS ARE NOT PERMITTED ON THESE PREMISES  
DURING LIQUOR TRADING HOURS

Maximum penalty: 20 penalty units.

- (2) The notice must be in the form approved by the Secretary and be obtained from the NSW Office of Liquor, Gaming and Racing.
- (3) The notice must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the licensed premises would reasonably be expected to be alerted to its contents.

**34 Use of certain areas by accompanied minors—notice to be displayed in hotels and licensed public entertainment venues**

- (1) A hotelier must cause a notice containing the words specified in subclause (3) to be displayed, in accordance with this clause, in any area of the hotel to which a minors area authorisation relates.

Maximum penalty: 20 penalty units.

- (2) The holder of an on-premises licence that relates to a public entertainment venue (other than a cinema or a theatre) must cause a notice containing the words specified in subclause (3) to be displayed, in accordance with this clause, in any area of the licensed premises in which entertainment is provided.

Maximum penalty: 20 penalty units.

- (3) For the purposes of subclauses (1) and (2), the required words are as follows:

PERSONS UNDER THE AGE OF 18 YEARS MUST BE WITH A RESPONSIBLE ADULT IN THIS  
AREA BY LAW

- (4) The notice must be in the form approved by the Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.
- (5) The notice must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the premises in which the notice is displayed would reasonably be expected to be alerted to its contents.

- (6) Despite subclause (1), a notice that complied with clause 35 of the *Liquor Regulation 1996*, as in force immediately before 1 July 2008, may continue to be used until the end of the period of 12 months from that date or until the date the notice is replaced, whichever happens first.

### **35 Breath analysis instruments**

For the purposes of section 97 (4) of the Act, the following requirements are prescribed in relation to the sign that must be displayed on or in close proximity to any breath analysis instrument installed on licensed premises:

- (a) the sign must be clearly legible and in good condition and so positioned that its contents can be easily read by a person using the instrument,
- (b) the sign must display the following matter in print of a type size and character that will be clearly legible to a person using the equipment:

IMPORTANT INFORMATION ABOUT BREATH TESTING

Readings given by this instrument are NOT ACCEPTED by the Police or the Courts.

Your blood alcohol level can rise for 1 hour or more after your last drink.

### **36 Display and availability of licence and licence-related authorisations**

- (1) This clause applies to any member of staff of licensed premises who:
- (a) sells, supplies or serves liquor on the licensed premises, or
- (b) carries on any security activity (such as a crowd controller or bouncer) on or about the licensed premises, or
- (c) exercises any functions under the Act or this Regulation.
- (2) It is a condition of a licence that a copy of each of the following are available at all times for the information of the members of staff of the licensed premises to which this clause applies:
- (a) the licence,
- (b) any licence-related authorisation held in relation to the licence,
- (c) any conditions imposed by the Authority or the Secretary on the licence or the authorisation.

### **37 Requirement to provide information relating to persons interested in licensee's business**

If a person referred to in section 55 of the Act ceases to be a person who, in accordance with that section, is interested in the business, or the conduct of the business, carried out

on licensed premises, it is a condition of the licence that the Authority is, within 28 days of the person ceasing to have that interest, notified in writing that the person is no longer such an interested person.

### **38 Resumption of trading—requirement to notify Authority**

It is a condition of a licence that the licensee must, following any continuous period of more than 6 weeks during which the licensed premises ceased trading, notify the Authority as soon as practicable after the licensed premises resume trading.

#### **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,
  - (e) the period of 2 hours from 10 pm until midnight on 8 October 2017, but only for hotel or club premises in Abercrombie, Bathurst, Eglinton, Kelso, Llanarth, Mitchell, Mount Panorama, Orton Park, Perthville, Raglan, South Bathurst, West Bathurst and Windradyne within the Bathurst Regional local government area.
- (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.

### **38B Condition relating to licensed vessels**

- (1) It is a condition of an on-premises licence that relates to a vessel that the licensee must not (except as provided by this clause) cause or permit any passenger to board from or disembark to any part of the Sydney CBD Entertainment precinct (whether from the berthed vessel or by a tender or other means) during the general late trading period.
- (2) The Secretary may, on application by a licensee, by order in writing exempt the licensee from the application of subclause (1) during a period or in the circumstances specified in the order.
- (3) Subclause (1) does not apply in relation to the period between midnight and 3 am on 1 January in any year.

## **Part 5 Provisions relating to the responsible sale, supply, service and promotion of liquor**

### **Division 1 Responsible service of alcohol (RSA) training**

#### **39 Definitions**

- (1) In this Division:

***approved RSA training course*** means a course of training with respect to the responsible service of alcohol that is provided:

- (a) by an approved training provider approved by the Secretary under this Division in relation to the course, or
- (b) by or on behalf of the Secretary.

***approved training provider*** means a training provider that is approved by the Secretary under this Division to provide training courses with respect to the responsible service of alcohol.

***interim RSA certificate*** means a certificate (in hard copy or electronic form) granted to a person by the Secretary, or by an approved training provider on behalf of the Secretary, following the person's successful completion of an approved RSA training course, for use by the person in obtaining a recognised competency card.

***patron ID scanner*** means a patron ID scanner within the meaning of Division 3 of Part 6 of the Act.

***privacy endorsement***, in relation to a recognised competency card, means an endorsement on the card indicating that the holder of the card has successfully

completed an approved privacy course.

**recognised competency card**—see clause 39A.

**recognised RSA certification** means an interim RSA certificate or a recognised competency card.

**registered training organisation** means an NVR registered training organisation within the meaning of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

**staff member**, in relation to licensed premises, means any employee or agent of, or person purporting to act on behalf of, the licensee of the premises.

- (2) For the purposes of this Division, a recognised RSA certification is **current** if it has not yet expired or if it is not suspended or revoked.

### **39A Issue of recognised competency card**

- (1) A **recognised competency card** is a card (in hard copy or electronic form) issued by or on behalf of the Secretary to a person that:
- (a) certifies (based on an interim RSA certificate granted to the person within the period of 5 years before the card is issued) that the person has successfully completed an approved RSA training course, and
  - (b) provides for its expiry on the 5th anniversary of:
    - (i) if the card only certifies the completion of an approved RSA training course on the basis of an interim RSA certificate—the date on which the certificate was granted, or
    - (ii) if the card certifies the completion of both an approved RSA training course and approved RCG training course on the basis of interim RSA and RCG certificates—the date on which the certificates were granted or, if the dates on which the certificates were granted differ, the earliest of the dates, and
  - (c) contains such other information (including photographic or other information about the identity of the person) as the Secretary may require at the time the card is issued.
- (2) Without limiting subclause (1) (c), a recognised competency card does not cease to be a recognised competency card for the purposes of this Division only because it also certifies that the person to whom the card is issued has successfully completed an approved RCG training course.
- (3) The Secretary may, on payment of a fee of \$30, issue a replacement recognised competency card to a person if the Secretary is satisfied that the original card:



- (a) has been lost, stolen or damaged, and
  - (b) is still current.
- (4) A person is not liable to pay a fee of more than \$30 for the replacement of a recognised competency card even if the card also certifies the successful completion of an approved RCG training course.
- (4A) A fee of \$30 is payable to the Secretary for including a privacy endorsement on a recognised competency card (other than a new recognised competency card issued by the Secretary following the successful completion, within 28 days of the expiry of a recognised competency card, of an approved RSA training course provided by the Secretary).
- (5) In this clause:
- approved RCG training course** and **interim RCG certificate** have the same meanings as they have in Division 5 of Part 3 of the [Gaming Machines Regulation 2010](#).

### **39AA Suspension or revocation of recognised RSA certification**

- (1) The Authority may, on application by the Secretary or the Commissioner of Police, make any of the following orders:
- (a) an order suspending, for the period specified by the Authority, any recognised RSA certification held by a person,
  - (b) an order revoking any recognised RSA certification held by a person,
  - (c) an order declaring that a person is disqualified from holding any recognised RSA certification for such period (not exceeding 12 months) as is specified in the order.
- (2) The Authority may only make an order under this clause in respect of a person if the Authority is satisfied that the person has:
- (a) contravened any of the person's obligations under the Act or this Regulation that, in the opinion of the Authority, relate to the responsible service of alcohol (including, without limitation, permitting intoxication on licensed premises), or
  - (b) been charged with, or found guilty of, a serious indictable offence involving violence that was committed on licensed premises or in the immediate vicinity of licensed premises on a patron of the premises or a person attempting to enter the premises, or
  - (c) while a member of staff of licensed premises situated in the Kings Cross precinct or the Sydney CBD Entertainment precinct, contravened any of the person's obligations under the Act or this Regulation that relate to the use of a patron ID

scanner (including obligations relating to the protection of any personal information recorded by a patron ID scanner).

- (3) An order made on the ground that a person has been charged with, or found guilty of, a serious indictable offence is revoked if the charge is withdrawn or dismissed or the finding is overturned on appeal.
- (4) The Authority may not make an order under this clause in respect of a person unless the person has been given notice of the application for the order and has been given a reasonable opportunity to make submissions to the Authority in relation to the application.
- (5) An order under this clause takes effect on the date specified by the Authority in the order. Notice of the making of the order is to be given to the person who is the subject of the order, but failure to give notice does not affect the operation of the order if a reasonable attempt has been made to notify the person.
- (6) If the Authority makes an order under this clause in respect of a person, the person may apply to the Civil and Administrative Tribunal for an administrative review under the [Administrative Decisions Review Act 1997](#) of the Authority's decision.
- (7) Section 53 of the [Administrative Decisions Review Act 1997](#) does not apply in relation to the Authority's decision to make an order under this clause.
- (8) A person must not work in any capacity as an employee on any licensed premises in New South Wales during any period in which:
  - (a) the person's recognised RSA certification is suspended by the Authority under this clause, or
  - (b) the person is disqualified under this clause from holding any recognised RSA certification.

Maximum penalty: 50 penalty units.

- (9) If a person's recognised RSA certification is suspended or revoked under this clause, the person to whom it was issued must surrender it to the Secretary if required to do so by the Authority.

Maximum penalty: 20 penalty units.

- (9A) Subclause (9) does not apply to recognised RSA certification in electronic form.
- (10) A person (**the employer**) does not commit an offence under clause 40 (2) or (2A), 40A (2), 42 (1) or (1A) or 42A (1) in relation to a person whose recognised RSA certification has been suspended or revoked by the Authority under this clause if:
  - (a) the person presents the employer with recognised RSA certification that appears

to be current, and

(b) the employer is satisfied on reasonable grounds that the certification is current.

**39B (Repealed)**

**39C Expiry and renewal of recognised RSA certifications**

(1) A recognised competency card or interim RSA certificate expires at the end of the day specified by the card or certificate as its expiry date.

(2) (Repealed)

(3) A new recognised competency card or interim RSA certificate may be issued or granted to a person following the expiry of a recognised competency card or interim RSA certificate held by the person if the person:

(a) successfully completes, within 28 days of the expiry, an approved RSA training course, and

(b) if that course is provided by or on behalf of the Secretary—pays the Secretary a fee of \$35.

(3A) A person is not liable to pay a fee of more than \$35 for a new recognised competency card even if the card also certifies the successful completion of an approved RCG training course (within the meaning of clause 39A).

(3B) Despite clause 39A (1) (b), a new recognised competency card issued to a person following the expiry of a recognised competency card or interim RSA certificate held by the person is to provide for its expiry on the 5th anniversary of the date of expiry of the expired recognised competency card or interim RSA certificate.

(4) Despite subclause (3), if a recognised competency card issued to a relevant person expires, the person may not be issued with a new recognised competency card unless the person has successfully completed an approved RSA training course provided by an approved training provider in addition to the course in respect of which the expired recognised competency card was issued.

**Note—**

This means that licensees, bar staff and security personnel in the Kings Cross precinct will have to undertake an approved RSA training course provided by an approved training provider every 5 years.

(5) For the purposes of subclause (4), **relevant person** means any of the following:

(a) the licensee of licensed premises situated in the Kings Cross precinct,

(b) a staff member of licensed premises situated in the Kings Cross precinct,

(c) a person who is employed to carry on activities as a crowd controller or bouncer on or about licensed premises situated in the Kings Cross precinct,

- (d) a person who is employed as an RSA marshal (within the meaning of clause 53H) on licensed premises situated in the Kings Cross precinct.

**39CA (Repealed)**

**39D Inspection of recognised RSA certification**

- (1) A police officer or inspector may require any person who is required to hold a recognised competency card or interim RSA certificate to produce his or her card or certificate to the officer or inspector for inspection.
- (2) A person must not, without reasonable excuse, fail to comply with a requirement of a police officer or inspector under subclause (1).

Maximum penalty: 5 penalty units.

**40 Obligations of licensee as to responsible service of alcohol**

- (1) The licensee of licensed premises must not:
  - (a) sell, supply or serve liquor by retail on the premises, or
  - (b) cause or permit liquor to be sold, supplied or served by retail on the premises, unless the licensee holds a current recognised RSA certification.

Maximum penalty: 50 penalty units.

(1A), (1B) (Repealed)

- (2) The licensee of licensed premises must not cause or permit a staff member to sell, supply or serve liquor by retail on the premises unless the staff member:
  - (a) holds a current recognised competency card, or
  - (b) was granted an interim RSA certificate within the previous 5 years.

Maximum penalty:

- (a) if the staff member's recognised RSA certification has expired—25 penalty units, or
- (b) in any other case—50 penalty units.

- (2A) The licensee of licensed premises situated in the Kings Cross precinct must not, on and from 1 March 2013, cause or permit a staff member to sell, supply or serve liquor on the premises unless the staff member holds current recognised RSA certification.

Maximum penalty: 50 penalty units.

- (2B) The licensee of licensed premises situated in the Sydney CBD Entertainment precinct

must not, on and from 1 October 2014, cause or permit a staff member to sell, supply or serve liquor on the premises unless the staff member holds current recognised RSA certification.

Maximum penalty: 50 penalty units.

(3) Subclauses (1) and (1A) do not apply to:

- (a) a person who is taken to be the licensee pursuant to section 62 of the Act, or
- (b) a licensee that is a corporation.

**40A Obligations of licensee as to use of patron ID scanners in Kings Cross and Sydney CBD Entertainment precincts**

(1) The licensee of licensed premises situated in the Kings Cross precinct or the Sydney CBD Entertainment precinct must not:

- (a) use a patron ID scanner on the premises, or
- (b) cause or permit a patron ID scanner to be used on the premises,

unless the licensee holds a current recognised competency card with a privacy endorsement or a certificate issued by the Secretary that the licensee has successfully completed an approved privacy course.

Maximum penalty: 50 penalty units.

(2) The licensee of licensed premises situated in the Kings Cross precinct or the Sydney CBD Entertainment precinct must not cause or permit a staff member to use a patron ID scanner on the premises unless the staff member holds:

- (a) a current recognised competency card with a privacy endorsement, or
- (b) a certificate issued by the Secretary that the staff member has successfully completed an approved privacy course.

Maximum penalty: 50 penalty units.

(3) Subclause (1) does not apply to:

- (a) a person who is taken to be the licensee pursuant to section 62 of the Act, or
- (b) a licensee that is a corporation.

(4) A certificate referred to in this clause that a person has successfully completed an approved privacy course ceases to have effect after 28 days following the completion of the approved privacy course to which the certificate relates.

#### **41 Obligations of staff members as to responsible service of alcohol**

- (1) A staff member of licensed premises must not sell, supply or serve liquor by retail on the premises unless the staff member holds a current recognised RSA certification.

Maximum penalty: 10 penalty units.

- (2) A staff member of licensed premises situated in the Kings Cross precinct must not, on and from 1 March 2013, sell, supply or serve liquor by retail on the premises unless the staff member holds current recognised RSA certification.

Maximum penalty: 20 penalty units.

- (3) A staff member of licensed premises situated in the Sydney CBD Entertainment precinct must not, on and from 1 October 2014, sell, supply or serve liquor by retail on the premises unless the staff member holds current recognised RSA certification.

Maximum penalty: 20 penalty units.

#### **41A Obligations of staff members as to use of patron ID scanners in Kings Cross and Sydney CBD Entertainment precincts**

- (1) A staff member of licensed premises situated in the Kings Cross precinct or the Sydney CBD Entertainment precinct must not use a patron ID scanner on the premises unless the staff member holds:

- (a) a current recognised competency card with a privacy endorsement, or  
(b) a certificate issued by the Secretary that the staff member has successfully completed an approved privacy course.

Maximum penalty: 20 penalty units.

- (2) Any such certificate ceases to have effect after 28 days following the completion of the course to which the certificate relates.

#### **42 Obligations in relation to persons carrying on certain security activities**

- (1) A person (including the licensee of licensed premises) must not employ or engage a person to carry on activities as a crowd controller or bouncer on or about licensed premises unless the person holds a current recognised RSA certification.

Maximum penalty: 50 penalty units.

(1A), (1B) (Repealed)

- (2) A person must not, in the course of the person's employment, carry on activities as a crowd controller or bouncer on or about licensed premises unless the person holds a current recognised RSA certification.

Maximum penalty: 10 penalty units.

- (3) A person must not, in the course of the person's employment, carry on activities as a crowd controller or bouncer on or about licensed premises situated in the Kings Cross precinct unless the person holds current recognised RSA certification.

Maximum penalty: 20 penalty units.

- (3A) A person must not, in the course of the person's employment, carry on activities as a crowd controller or bouncer on or about licensed premises situated in the Sydney CBD Entertainment precinct unless the person holds current recognised RSA certification.

Maximum penalty: 20 penalty units.

- (4) Subclauses (1A) and (3) take effect on and from 1 March 2013.

- (5) Subclauses (1B) and (3A) take effect on and from 1 October 2014.

**Note—**

Under the *Security Industry Act 1997*, a person who is employed to act as a crowd controller, venue controller or bouncer is required to hold a class 1C licence under that Act.

**42A Obligations in relation to persons carrying on RSA supervisory duties on licensed premises in Kings Cross precinct**

- (1) A person (including the licensee of licensed premises) must not employ a person as an RSA marshal on licensed premises situated in the Kings Cross precinct unless the person holds current recognised RSA certification.

Maximum penalty: 50 penalty units.

- (2) A person must not, in the course of the person's employment as an RSA marshal, carry out RSA supervisory duties on licensed premises situated in the Kings Cross precinct unless the person holds current recognised RSA certification.

Maximum penalty: 20 penalty units.

- (3) In this clause, ***RSA marshal*** and ***RSA supervisory duties*** have the same meanings as in clause 53H.

- (4) This clause takes effect on and from 17 December 2012.

**42B Obligations in relation to persons carrying on RSA supervisory duties on licensed premises in Sydney CBD Entertainment precinct**

- (1) A person (including the licensee of licensed premises) must not employ a person as an RSA marshal on licensed premises situated in the Sydney CBD Entertainment precinct unless the person holds current recognised RSA certification.

Maximum penalty: 50 penalty units

- (2) A person must not, in the course of the person's employment as an RSA marshal, carry out RSA supervisory duties on licensed premises situated in the Sydney CBD Entertainment precinct unless the person holds current recognised RSA certification.

Maximum penalty: 20 penalty units.

- (3) In this clause, **RSA marshal** and **RSA supervisory duties** have the same meanings as in clause 53H.

- (4) This clause takes effect on and from 1 October 2014.

### **43 Conduct of promotional activities**

For the purposes of this Part:

- (a) liquor that is sold, supplied or served on licensed premises as part of a promotional activity conducted by someone other than the licensee is taken to have been sold, supplied or served by retail, and
- (b) any person by whom liquor is sold, supplied or served on licensed premises as part of a promotional activity conducted by someone other than the licensee is taken to be a staff member.

### **44 (Repealed)**

### **45 Applications for approvals to conduct RSA training courses**

- (1) A registered training organisation may apply to the Secretary for an approval to conduct training courses with respect to the responsible service of alcohol.
- (2) An application under subclause (1) must be accompanied by:
- (a) a fee of \$995, in the case of an application for an initial approval, or
- (b) a fee of \$550, in the case of an application for a second or subsequent approval.

#### **Note—**

See clause 49A for applications for additional approval to provide an approved RSA training course online.

### **46 Decision on application**

- (1) The Secretary may, after considering an application for an approval to conduct training courses with respect to the responsible service of alcohol:
- (a) grant the application, or
- (b) refuse the application.
- (2) If the Secretary grants an approval, the Secretary must issue the applicant with a written approval that sets out any conditions to which the approval is subject.



- (3) If the Secretary refuses an application for approval, the Secretary must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.

**47 Conditions of approval to conduct RSA training courses**

- (1) An approval to conduct training courses with respect to the responsible service of alcohol is subject to the following conditions:
- (a) each person conducting the approved RSA training course on behalf of the approved training provider (or, in the case of an approved RSA training course provided online, each online course worker) must:
    - (i) hold a Certificate IV in Training and Assessment awarded by a registered training organisation, or have such other qualification as the Secretary considers to be equivalent, and
    - (ii) have at least 3 years experience as the holder of a managerial or supervisory position in a hotel or registered club (being a position with duties in relation to the service of liquor), or have such other experience as the Secretary considers to be equivalent,
  - (b) the approved training provider must pay the Secretary a fee of \$70 for each interim RSA certificate issued by it on behalf of the Secretary,
  - (c) the approved training provider must collect the following information on behalf of the Secretary in relation to any person who is undertaking (or who has completed) an approved RSA training course conducted by or on behalf of the provider:
    - (i) the full name of the person,
    - (ii) the date and country of birth of the person,
    - (iii) the residential address of the person,
    - (iv) such other information as the Secretary may require from time to time to assist in ascertaining whether or not the person has successfully completed the course,
  - (d) such other conditions as the Secretary may from time to time impose.
- (1A) An approved training provider must comply with the conditions to which the training provider's approval is subject.

Maximum penalty: 100 penalty units.

- (2) In this clause:

**online course worker**, in relation to an approved RSA training course provided online, means a person who, on behalf of the approved training provider, provides

information about the content of the course to, or assesses the competency of, persons undertaking the course.

**47A Prohibition on granting interim RSA certificates to unqualified persons**

An approved training provider must not grant an interim RSA certificate to any person who has not successfully completed an approved RSA training course conducted by the training provider.

Maximum penalty: 100 penalty units.

**48 Term of approval to conduct approved RSA training courses**

- (1) Unless sooner cancelled, an approval under this Division to conduct training courses with respect to the responsible service of alcohol has effect until 30 June following the date on which it was granted, but may be renewed by making an application in accordance with this Division.
- (2) An approval does not have effect while it is suspended.

**49 Variation, suspension and cancellation of approvals to conduct approved RSA training courses**

- (1) The Secretary may:
  - (a) vary any condition imposed on an approval to conduct training courses with respect to the responsible service of alcohol, or
  - (b) suspend or cancel any such approval,but only after giving the holder of the approval an opportunity to make submissions.
- (2) A variation of the conditions of, or the suspension or cancellation of, an approval:
  - (a) must be by notice in writing, and
  - (b) must be served on the person to whom the approval relates, and
  - (c) takes effect on the day on which the notice is served or on a later day specified in the notice.

**49A Additional approval to provide approved RSA training course online**

- (1) An approved training provider may apply to the Secretary for an additional approval to provide an approved RSA training course online.
- (2) However, an approved training provider may only apply for any such additional approval if the provider is the TAFE Commission, an industry association or a provider nominated by an industry association.

- (2A) An application by a provider nominated by an industry association must be accompanied by written confirmation of that nomination. The written confirmation must include an explanation of the relationship between the industry association and the provider.
- (3) An application must be accompanied by:
- (a) a fee of \$1,200, in the case of an application for an initial approval, or
  - (b) a fee of \$550, in the case of an application for a second or subsequent approval.
- (4) The Secretary may grant an additional approval only if it is satisfied that the approved training provider has appropriate measures in place:
- (a) to verify the identity of persons undertaking the approved RSA training course online, and
  - (b) to assess the competency of those persons, and
  - (c) to minimise the potential for fraudulent activity.
- (5) In this Division (other than clause 45), a reference to an approval to conduct training courses with respect to the responsible service of alcohol includes a reference to an additional approval to provide an approved training course online.
- (6)–(9) (Repealed)

#### **49B Prohibition on providing training courses without approval**

A person must not:

- (a) provide or offer to provide any training course that is held out, whether directly or indirectly, to be a course that will satisfy the requirements imposed by clauses 40–42, or
- (b) advertise, state or imply in any way that the person is qualified to provide any such course,

unless the person is the Secretary, a person who provides an approved RSA training course on behalf of the Secretary or an approved training provider.

Maximum penalty: 100 penalty units.

#### **49C Revocation of recognised RSA certification obtained fraudulently or by deception**

- (1) The Authority may, on application by the Secretary or the Commissioner of Police, make any of the following orders:
- (a) an order revoking any recognised RSA certification held by a person,

(b) an order declaring that a person is disqualified from holding any recognised RSA certification for such period (not exceeding 12 months) as is specified in the order.

- (2) The Authority may make an order under this clause in respect of a person if the Authority is satisfied that the person's recognised RSA certification was obtained fraudulently or by deception (including by allowing or arranging for another person to complete or partially complete the approved RSA training course).
- (3) The Authority may not make an order under this clause in respect of a person unless the person has been given notice of the application for the order and has been given a reasonable opportunity to make submissions to the Authority in relation to the application.
- (4) An order under this clause takes effect on the date specified by the Authority in the order. Notice of the making of the order is to be given to the person who is the subject of the order, but failure to give notice does not affect the operation of the order if a reasonable attempt has been made to notify the person.
- (5) If the Authority makes an order under this clause in respect of a person, the person may apply to the Civil and Administrative Tribunal for an administrative review under the [Administrative Decisions Review Act 1997](#) of the Authority's decision.
- (6) Section 53 of the [Administrative Decisions Review Act 1997](#) does not apply in relation to the Authority's decision to make an order under this clause.
- (7) A person must not work in any capacity as an employee on any licensed premises in New South Wales during any period in which the person is disqualified under this clause from holding any recognised RSA certification.

Maximum penalty: 50 penalty units.

- (8) If a person's recognised RSA certification is revoked under this clause, the person must surrender the certification to the Secretary if required to do so by the Authority.

Maximum penalty: 20 penalty units.

- (9) A person (**the employer**) does not commit an offence under clause 40 (2) or (2A), 40A (2), 42 (1) or (1A) or 42A (1) in relation to a person whose recognised RSA certification has been revoked by the Authority under this clause if:
  - (a) the person presents the employer with a recognised RSA certification that appears to be current, and
  - (b) the employer is satisfied on reasonable grounds that the certification is current.

## **Division 2 Miscellaneous harm minimisation measures**

### **50 Discount liquor promotions or advertisements**

- (1) This clause applies to any promotion or advertisement involving the discounting of liquor that is conducted, or published, by or on behalf of a licensee.
- (2) If a promotion or advertisement to which this clause applies:
  - (a) appears in the printed or electronic media, or
  - (b) is conducted on or in the vicinity of the licensed premises or appears inside or in the vicinity of the licensed premises, or
  - (c) is made available for the public to participate in or view,the Secretary may, by notice in writing, require the licensee to include, as part of the promotion or advertisement, a message that encourages the responsible consumption of alcohol.
- (3) The Secretary may, in making any such requirement, specify:
  - (a) the content of the message, and
  - (b) the manner in which the message is to appear as part of the promotion or advertisement (including the size, colour and nature of the message and its placement in relation to the promotion or advertisement).
- (4) A licensee must comply with a notice given to the licensee under this clause.  
Maximum penalty: 50 penalty units.

### **51 Drinking water to be available free of charge where liquor served**

- (1) If a licence authorises the sale or supply of liquor for consumption on the licensed premises, it is a condition of the licence that drinking water must, at all times while liquor is sold or supplied for consumption on the premises, be made available free of charge to patrons at or near the point of service at which, or by the same means of service by which, liquor is sold or supplied on the premises.
- (2) Subclause (1) extends to the sale or supply of liquor under a drink on-premises authorisation.

### **52 Undesirable liquor products**

- (1) For the purposes of section 100 of the Act, the following are declared to be undesirable liquor products:
  - (a) alcoholic ice block—a product that is sold in an individual package or individual packages for consumption in frozen form and that, at 20° Celsius, contains more

than 1.15 per cent ethanol by volume,

- (b) a product that is sold in an aerosol container for consumption by humans and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
- (c) any milk product that is sold or supplied under a name that consists of, or includes, the words “Moo Joose” and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
- (d) any alcoholic vapour that is sold or supplied for consumption in that form,
- (e) any alcoholic powder that is sold or supplied for consumption (whether in that form or if added to any liquid).

- (2) In subclause (1) (c), **milk product** includes any product made from reconstituted milk (that is, any substance in the nature of milk that has been prepared from milk concentrate or milk powder).

### **53 Codes of practice**

- (1) The Authority may approve of a code of practice that deals with the responsible sale, supply, service and promotion of liquor.
- (2) The Authority may approve of any such code of practice for all licences or for particular types of licence only.
- (3) If the Authority approves of a code of practice in relation to a licence, it is a condition of the licence that the licensee complies with the code.

## **Division 3**

**(Repealed)**

## **Part 5A Prescribed precincts**

### **Division 1 Declaration of prescribed precincts**

#### **53A Declaration of prescribed precincts**

The following precincts are declared to be prescribed precincts for the purposes of the Act:

- (a) Sydney CBD Entertainment precinct,
- (b) Kings Cross precinct.

**Note—**

See Schedule 2 to the Act for a description of the Kings Cross precinct.

## **Division 2 Special licence conditions**

**53B Special licence conditions applying to subject premises**

- (1) This Division prescribes, for the purposes of section 116I of the Act, conditions to which a licence relating to premises situated in a prescribed precinct is subject.
- (2) Any such premises are referred to in this Division as **subject premises**.

**53C “Lock outs” for subject premises**

- (1) In this clause:

**lock out period** means the period on any day of the week between 1.30 am and the commencement of the standard trading period referred to in section 12 (1) (a) (i) of the Act.

- (2) This clause applies to any of the following subject premises (but only if liquor is authorised to be sold for consumption on the premises):
  - (a) a hotel or premises to which a general bar licence relates (other than a tourist accommodation establishment),
  - (b) club premises (other than a tourist accommodation establishment),
  - (c) a licensed public entertainment venue (other than a cinema or a theatre) or licensed karaoke bar,
  - (d) so much of a high risk venue as is declared by the Secretary by order in writing to be subject premises for the purposes of this clause,
  - (e) declared premises to which a level 2 licence (within the meaning of Schedule 4 to the Act) relates,
  - (f) premises to which a licence specified in Schedule 1AA relate or the part (as specified in that Schedule) of premises to which such a licence relates.
- (3) The licensee of subject premises to which this clause applies must not permit patrons to enter the premises during the lock out period.
- (4) For the avoidance of doubt, patrons already present in the subject premises immediately before the start of the lock out period may:
  - (a) leave the premises at any time, or
  - (b) remain on the premises while the premises are authorised to trade, but are not permitted to re-enter the premises during the lock out period.
- (5) This clause does not prevent a resident of the subject premises from entering the premises during the lock out period.

- (6) This clause does not require the licensee of subject premises to prevent patrons from entering the premises on 1 January in any year.

**53D Liquor sales cessation period**

- (1) In this clause:

***liquor sales cessation period*** means the period on any day of the week between 3 am and the commencement of the standard trading period referred to in section 12 (1) (a) (i) of the Act.

- (2) This clause applies to any of the following subject premises (but only if liquor is authorised to be sold for consumption on the premises):
- (a) a hotel or premises to which a general bar licence relates (other than a tourist accommodation establishment),
  - (b) club premises (other than a tourist accommodation establishment),
  - (c) a licensed public entertainment venue (other than a cinema or a theatre) or licensed karaoke bar,
  - (d) so much of a high risk venue as is declared by the Secretary by order in writing to be subject premises for the purposes of this clause,
  - (e) declared premises to which a level 1 or level 2 licence (within the meaning of Schedule 4 to the Act) relates,
  - (f) premises to which a licence specified in Schedule 1AA relate or the part (as specified in that Schedule) of premises to which such a licence relates.
- (3) Liquor must not be sold or supplied on subject premises to which this clause applies during the liquor sales cessation period.
- (4) Subclause (3) does not in itself prevent the continued provision, or making available, of other services and facilities on the subject premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings and for gambling activities that are otherwise permitted on the premises).
- (5) Despite section 103 (1) of the Act, a bar area or other part of a hotel referred to in that subsection may remain open for the sale and supply of non-alcoholic beverages, or food, only during the period when liquor is not permitted to be sold or supplied under this clause.

**53E Glasses prohibited during general late trading period**

- (1) This clause applies to the following subject premises (but only if liquor is authorised to be sold for consumption on the premises):



- (a) in the case of subject premises situated in the Kings Cross precinct:
    - (i) a hotel (including the premises to which a general bar licence relates), or
    - (ii) club premises, or
    - (iii) a licensed public entertainment venue (other than a cinema) or licensed karaoke bar, or
    - (iv) a licensed restaurant in respect of which an authorisation under section 24 (3) of the Act is in force,
  - (b) in the case of subject premises situated in the Sydney CBD Entertainment precinct—premises that the Secretary has, by notice in writing served on the licensee, declared to be premises to which this clause applies.
- (2) The Secretary may make a declaration under subclause (1) (b) only if the Secretary is satisfied that:
- (a) there has been a history of alcohol-related violence on the premises, or
  - (b) an incident has occurred on the premises involving an act of violence that has caused a serious injury to a person.
- (3) During the general late trading period, any drink (whether or not it contains liquor) sold or supplied for consumption on subject premises to which this clause applies must not be served or supplied in a glass.
- (4) During the general late trading period, glasses must be removed from patrons on subject premises to which this clause applies and from any area of the premises to which patrons have access.
- (5) In this clause:
- glass** means:
- (a) a drinking vessel, or
  - (b) a container (such as a bottle or jug) from which drinks can be poured,
- that is made wholly or principally of glass.

**53F Certain drinks and other types of liquor sales prohibited during general late trading period**

- (1) This clause applies to subject premises (other than a small bar) if liquor is authorised to be sold for consumption on the premises.
- (2) The following drinks must not be sold or supplied on subject premises during the general late trading period:

- (a) any drink (commonly referred to as a “shot”, a “shooter” or a “bomb”) that is designed to be consumed rapidly,
  - (b) any drink containing more than 50% spirits or liqueur,
  - (c) any ready to drink beverage with an alcohol by volume content of more than 5%,
  - (d) any drink prepared on the premises that contains more than 30 ml of spirits or liqueur.
- (3) Subclause (2) does not (subject to subclause (4)) prevent the sale or supply of any alcoholic drink (commonly known as a “cocktail”) that contains spirits or liqueur (or both) mixed with other ingredients and that is not designed to be consumed rapidly.
- (4) Subclause (3) applies only if:
- (a) the alcoholic drink is listed on a document prepared by the licensee that is displayed on the subject premises and itemises the cocktails that may be sold or supplied on the premises during trading hours and the amount payable for each such cocktail throughout or during any particular period during those trading hours (the **cocktail list**), and
  - (b) no alcoholic drink listed on the cocktail list is sold or supplied on the subject premises between midnight and 3.30 am (or such earlier time at which the premises are required to cease serving liquor) at less than the amount specified on the cocktail list.
- (5) During the general late trading period, no more than:
- (a) 4 alcoholic drinks (whether or not of the same kind), or
  - (b) the contents of one bottle of wine,
- may be sold or supplied on subject premises to the same person at any one time.
- (6) Despite subclause (5), no more than 2 alcoholic drinks (whether of the same or a different kind) may be sold or supplied on subject premises to the same person at any one time between 2 am and 7 am (or such earlier time at which the premises are required to cease serving liquor).
- (7) In this clause:

**ready to drink beverage** means an alcoholic mixed beverage that is prepared by the manufacturer.

### **53FA (Repealed)**

### **53G Promotion of rapid consumption drinks**

The licensee of subject premises must not promote or publicise or cause to be promoted or publicised by any means (on the subject premises or elsewhere):

- (a) the supply of any free or discounted drinks (including, but not limited to, a “shot”, a “shooter” or a “bomb”) that are designed to be consumed rapidly on the subject premises, or
- (b) any inducement (such as a prize or free give-away or similar incentive) to purchase any drink designed to be consumed rapidly on the subject premises.

### **53GA (Repealed)**

### **53H Requirement for RSA marshals during supervised trading period—Sydney CBD Entertainment precinct**

- (1) This clause applies to subject premises situated in the Sydney CBD Entertainment precinct that the Secretary has, by notice in writing served on the licensee, declared to be premises to which this clause applies.
- (2) The Secretary may make a declaration under subclause (1) only if the Secretary is satisfied that:
  - (a) there has been a history of alcohol-related violence on the premises, or
  - (b) an incident has occurred on the premises involving an act of violence that has caused a serious injury to a person.
- (3) The licensee must ensure that at least one RSA marshal is carrying out RSA supervisory duties on the subject premises to which this clause applies at all times after midnight during the supervisory trading period.
- (4) The licensee of subject premises to which this clause applies must ensure that any person who is carrying out RSA supervisory duties as required by this clause is, while carrying out those duties, wearing clothing that identifies the person as an RSA marshal.
- (5) In this clause and in clause 53I:

***RSA marshal*** means a person who is employed for the purposes of carrying out RSA supervisory duties on subject premises.

***RSA supervisory duties*** means the following:

- (a) monitoring responsible service of alcohol practices by members of staff of subject premises who are selling, supplying or serving liquor,
- (b) engaging with those staff, and with patrons on the premises, for the purposes of

encouraging responsible attitudes and practices in relation to the promotion, sale, supply, service and consumption of liquor,

- (c) monitoring alcohol consumption by patrons and their behaviour for signs of irresponsible, rapid or excessive consumption of alcohol and for signs of intoxication,
- (d) intervening at any early stage to assist in the prevention of intoxication and anti-social behaviour (such intervention may include suggesting that patrons moderate their alcohol consumption by consuming food or non-alcoholic beverages).

***supervised trading period***, in relation to subject premises, means the period between midnight on any Friday or Saturday, or midnight on any public holiday night or night before a public holiday, and 3.30 am (or such earlier time at which the premises are required to cease serving liquor).

### **531 Requirement for RSA marshals during supervised trading period—Kings Cross precinct**

- (1) This clause applies to subject premises (other than a small bar) situated in the Kings Cross precinct, but only if liquor is authorised to be sold for consumption on the premises.
- (2) In the case of class 1 subject premises, the licensee must ensure that at least 2 RSA marshals are carrying out RSA supervisory duties on the premises at all times during the supervised trading period.
- (3) In the case of class 2 subject premises, the licensee must ensure that at least one RSA marshal is carrying out RSA supervisory duties on the premises at all times during the supervised trading period.
- (4) The licensee of subject premises to which this clause applies must ensure that any person who is carrying out RSA supervisory duties as required by this clause is, while carrying out those duties, wearing clothing that identifies the person as an RSA marshal.
- (5) In this clause:

***class 1 subject premises*** means any of the following:

- (a) a hotel (including the premises to which a general bar licence relates),
- (b) club premises,
- (c) a licensed public entertainment venue (other than a cinema or a theatre).

***class 2 subject premises*** means any of the following:

- (a) a licensed theatre or karaoke bar,

- (b) a licensed restaurant in respect of which an authorisation under section 24 (3) of the Act is in force.

**53J Appointment and presence of approved managers in high risk venues—Kings Cross precinct**

- (1) The licensee of a high risk venue in the Kings Cross precinct that is specified in Schedule 1C must appoint a person approved by the Secretary under section 116I (2) (i) of the Act to be present in the venue from 9 pm each day until 7 am the following day or until the venue ceases trading, whichever occurs first.
- (2) The presence of such a person is not required at any time that:
  - (a) the licensee, or
  - (b) in the case of any such venue for which a manager is appointed under section 66 of the Act—the manager,is present in the venue.

**53K CCTV systems to be maintained on subject premises in Kings Cross precinct**

- (1) This clause applies to the following subject premises situated in the Kings Cross precinct (but only if liquor is authorised to be sold for consumption on the premises):
  - (a) a hotel (including the premises to which a general bar licence relates),
  - (b) club premises,
  - (c) a licensed public entertainment venue (other than a cinema) or licensed karaoke bar,
  - (d) a licensed restaurant that is authorised to trade after midnight on any day of the week and in respect of which an authorisation under section 24 (3) of the Act is in force,
  - (e) licensed premises that are the subject of a declaration under subclause (4).
- (2) The licensee of subject premises to which this clause applies must maintain a closed-circuit television system on the premises in accordance with the following requirements:
  - (a) the system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
  - (b) recordings must be in digital format and at a minimum of 6 frames per second,
  - (c) any recorded image must specify the time and date of the recorded image,

- (d) the system's cameras must cover the following areas:
  - (i) all entry and exit points on the premises,
  - (ii) the footpath immediately adjacent to the premises,
  - (iii) all publicly accessible areas (other than toilets) on the premises.
- (3) The licensee of subject premises to which this clause applies must:
  - (a) keep all recordings made by the CCTV system for at least 30 days, and
  - (b) ensure that the system is accessible by at least one member of staff at all times it is in operation, and
  - (c) provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.
- (4) The Secretary may, by notice in writing served on the licensee of subject premises situated in the Kings Cross precinct, declare the premises to be premises to which this clause applies, but only if the Secretary is satisfied that:
  - (a) there has been a history of alcohol-related violence on the premises, or
  - (b) an incident has occurred on the premises involving an act of violence that has caused a serious injury to a person.
- (5) The licensee of any such declared subject premises must comply with the requirements of this clause as soon as practicable (or in any case no later than 4 weeks) after being notified of the declaration.

**53L "Round the clock" incident register**

- (1) The licensee of subject premises must maintain a register, in the form approved by the Secretary, in which the licensee is to record, in the manner approved by the Secretary, the details of any of the following incidents and any action taken in response to any such incident:
  - (a) any incident involving violence or anti-social behaviour occurring on the premises,
  - (b) any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises,
  - (c) any incident that results in a person being turned out of the premises under section 77 of the Act,
  - (d) any incident that results in a patron of the premises requiring medical assistance.
- (2) The licensee of subject premises must, if requested to do so by a police officer or

inspector:

- (a) make any such incident register immediately available for inspection by a police officer or inspector, and
  - (b) allow a police officer or inspector to take copies of the register or to remove the register from the premises.
- (3) The licensee of subject premises must ensure that the information recorded in an incident register under this clause is retained for at least 3 years from when the record was made.
- (4) Section 56 of the Act does not apply in relation to the licence for any subject premises.

### **53M Other requirements relating to violent incidents**

- (1) The licensee of subject premises must, immediately after the licensee or a staff member becomes aware of an incident on the premises involving an act of violence that has caused an injury to a person, ensure:
- (a) that all reasonable steps are taken to preserve and keep intact the area where the incident occurred and that any implement or other thing associated with the act of violence is retained in accordance with guidelines issued by the NSW Police Force relating to the preservation of crime scenes, and
  - (b) that the Local Area Commander of the local police area in which the premises are situated is advised by a staff member of the incident, and
  - (c) that any directions given by the Commander to the licensee or a staff member to preserve or keep intact the area where the incident occurred are complied with.
- (2) In this clause:

**staff member**, in relation to subject premises, means any employee or agent of, or person purporting to act on behalf of, the licensee of the premises, and includes any person who is employed to carry on activities as a crowd controller or bouncer on or about the premises.

### **53N Exclusion of persons from subject premises**

- (1) This clause applies to subject premises if liquor is authorised to be sold for consumption on the premises.
- (2) The licensee of subject premises to which this clause applies must not permit any person to enter the premises, or to remain on the premises, if the person is wearing or carrying any clothing, jewellery or accessory displaying:
- (a) the name of any of the following motorcycle-related and similar organisations:

Bandidos,  
Black Uhlans,  
Brothers for Life,  
Comanchero,  
Finks,  
Fourth Reich,  
Gladiators,  
Gypsy Joker,  
Hells Angels,  
Highway 61,  
Iron Horsemen,  
Life and Death,  
Lone Wolf,  
Mobshitters,  
Mongrel Mob,  
Mongols,  
Nomads,  
No Surrender and Outlaws,  
Odin's Warriors,  
Outcasts,  
Phoenix,  
Rebels,  
Rock Machine,  
Satudarah, or

(b) the colours, club patch, insignia or logo of any such organisation, or

(c) the "1%" or "1%er" symbol, or



- (d) any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in paragraph (a).

**53NA (Repealed)**

**53O Prohibition on entering premises in Sydney CBD Entertainment precinct after drinking in alcohol-free zone or alcohol prohibited area**

- (1) This clause applies to subject premises situated in the Sydney CBD Entertainment precinct, but only if liquor is authorised to be sold for consumption on the premises and the premises are located in or near an alcohol-free zone or alcohol prohibited area under the *Local Government Act 1993*.
- (2) If the licensee or a staff member of subject premises to which this clause applies observes a person drinking alcohol in any such zone or area or has reasonable cause to believe a person has recently been drinking alcohol in that area or zone, the licensee or staff member must not permit the person to enter the subject premises.
- (3) In this clause:

**staff member**, in relation to subject premises to which this clause applies, means any employee or agent of, or person purporting to act on behalf of, the licensee of the premises, and includes any person who is employed to carry on activities as a crowd controller or bouncer on or about the premises.

**530A (Repealed)**

**53P Removal of litter from outside of premises—Kings Cross precinct**

The licensee of subject premises situated in the Kings Cross precinct must ensure that the footpath directly adjacent to the premises is cleared of any litter:

- (a) in the case of premises that are authorised to trade after midnight—each hour between midnight and closing time or 5 am (whichever is the earlier), and
- (b) within 30 minutes of closing time (if any).

**53Q Exemptions on application by licensee of subject premises**

- (1) The Secretary may, on application by the licensee of subject premises and payment of a reasonable fee, exempt the licensee, by order in writing served on the licensee, from any provision of this Division.
- (2) The Secretary may grant an exemption under this clause only if the Secretary is satisfied that:
- (a) the exemption is unlikely to result in an increase in the level of alcohol-related violence or anti-social behaviour or other alcohol-related harm in the prescribed

precinct in which the subject premises are situated, and

- (b) measures other than the specified condition to which the exemption relates are in place on the subject premises and that such measures will be effective in reducing the risk of alcohol-related violence or anti-social behaviour on or about the subject premises.
- (3) An exemption under this clause may, if the relevant order so provides, apply in relation to a specified part of the subject premises concerned.
- (4) An application for an exemption under this clause must be in the form and manner approved by the Secretary.
- (5) An order under this clause may be varied or revoked by the Secretary by a subsequent order in writing served on the licensee concerned.

**53R General exemption relating to residents of tourist accommodation establishments**

This Division does not apply to or in respect of the sale or supply of liquor to a resident of subject premises that is a tourist accommodation establishment if liquor is sold or supplied for consumption only in the room in which the resident is residing or staying.

**53S Live entertainment venues—exemption from “lock out” and liquor sales cessation restrictions**

- (1) The Secretary may, on application by the licensee of subject premises and payment of a reasonable fee, exempt the licensee from clause 53C (3) or 53D (3) by order in writing served on the licensee.
- (2) An exemption from clause 53C (3) is subject to the condition that patrons must not be permitted to enter the subject premises during the period on any day of the week between 2 am and the commencement of the standard trading period referred to in section 12 (1) (a) (i) of the Act. Clause 53C (4)–(6) extend to the condition under this subclause as if references in those subclauses to the lock out period were references to the period referred to in this subclause.
- (3) An exemption from clause 53D (3) is subject to the condition that liquor must not be sold or supplied on the subject premises during the period on any day of the week between 3.30 am and the commencement of the standard trading period referred to in section 12 (1) (a) (i) of the Act. Clause 53D (4) and (5) extend to the condition under this subclause.
- (4) An exemption from clause 53C (3) or 53D (3) is also subject to the condition that, on any night of the week on which the exemption applies in relation to the subject premises concerned, live entertainment must be held or provided after midnight on the premises.

- (5) An order may only be made under this clause in relation to subject premises if the Secretary is of the opinion that the premises have a market orientation towards live performances, the arts and cultural events and endeavours.
- (6) In forming any such opinion, the Secretary is to take the following matters into consideration:
  - (a) whether tickets for live entertainment on the premises can be purchased,
  - (b) whether the premises are covered by a licence issued by APRA AMCOS (the Australasian Performing Right Association and the Australasian Mechanical Copyright Owners Society),
  - (c) whether the premises are used in connection with artistic or cultural festivals,
  - (d) any other matter the Secretary considers relevant.
- (7) In determining an application for an exemption under this clause, the Secretary may, without limitation, take into consideration the compliance history of the subject premises in relation to the requirements of this Division and the requirements of Division 1 of Part 5A and Division 2 of Part 5B (as in force before the commencement of the [Liquor Amendment \(Miscellaneous\) Regulation 2017](#)).
- (8) An exemption under this clause may, if the relevant order so provides, apply in relation to a specified part of the subject premises concerned.
- (9) An order under this clause may be varied or revoked by the Secretary by a subsequent order in writing served on the licensee concerned.
- (10) An application for an exemption under this clause must be in the form and manner approved by the Secretary.
- (11) A reference in this clause to subject premises does not include a reference to any subject premises that:
  - (a) are premises to which a level 1 licence (within the meaning of Schedule 4 to the Act) relate, or
  - (b) comprise a karaoke bar, or
  - (c) in the opinion of the Secretary operate solely as a nightclub or are used primarily to provide adult entertainment of a sexual nature.
- (12) This clause does not limit the operation of clause 53Q.
- (13) In this clause:  
***live entertainment*** means:

- (a) an event at which one or more persons are engaged to play or perform live or pre-recorded music, or
- (b) a performance at which the performers (or at least some of them) are present in person.

### **53T Alcohol sales data—Kings Cross precinct**

- (1) This clause applies to subject premises situated in the Kings Cross precinct, but only if liquor is authorised to be sold for consumption on the premises.
- (2) The licensee of subject premises to which this clause applies must record the amount of liquor sold or supplied for consumption on the premises during the evening trading period.
- (3) Any such record must:
  - (a) be in the form, and be kept in the manner, approved by the Secretary, and
  - (b) be made available for inspection on request at any time by an authorised officer.
- (4) In the case of a high risk venue specified in Schedule 1C, the amount of liquor sold or supplied during the evening trading period is to be recorded on an hourly basis.
- (5) In the case of any other subject premises to which this clause applies, the amount of liquor sold or supplied during the evening trading period is to be recorded on a daily basis.
- (6) At the end of each quarterly period commencing 1 July, 1 October, 1 January and 1 April in any year, a composite record of the amount of liquor sold or supplied during the quarterly period is to be provided to the Secretary. Any such composite record is to be in the form approved by the Secretary.
- (7) For the purposes of this clause, the **evening trading period** is the period:
  - (a) between 8 pm and the time that the premises are required to cease trading, or
  - (b) in the case of subject premises that are not required to cease trading—between 8 pm and 5 am on the next day.

## **Division 3 Patron ID scanning**

### **53U Minors exempted from patron ID scanning requirements**

Section 116E (1) (a) and (b) of the Act do not apply in relation to minors who are authorised to enter high risk venues.

### **53V Time of use of patron ID scanners**

Section 116E (1) (a) and (b) of the Act do not apply in relation to a licence for a high risk

venue during any period outside the times approved by the Secretary and notified to the licensee under section 116E (1) (c) of the Act.

### **53W Information recorded by patron ID scanners**

For the purposes of section 116E (1) (e) of the Act, the following information is prescribed in relation to a person:

- (a) the person's name, date of birth and residential address,
- (b) the photograph appearing on the person's photo ID,
- (c) a photograph of the person taken by the patron ID scanner at the time the person's photo ID is scanned.

## **Part 5B**

### **53X-53ZL (Repealed)**

## **Part 6 Transitional provisions**

### **54 Existing on-licences that are converted to on-premises licences—exceptions from primary purpose test in certain cases**

The provisions of section 22 (1) and (2) of the new Act do 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 new Act, a continuation of:

- (a) an existing Governor's licence, or
- (b) an existing on-licence of the kind referred 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 new Act).

### **55 Existing off-licences for vigneron**

(1) In this clause:

**existing vigneron licence** means an existing off-licence for a vigneron that is, in accordance with Schedule 1 to the Act, converted to a producer/wholesaler licence under the new Act.

(2) An existing vigneron licence is exempt from the operation of section 33 (3) (b) of the Act to the extent (if any) that the definition of **licensee's product** requires wine to have been produced:

- (a) from fruit grown on the licensed premises or a vineyard related to the licensed premises, or

(b) on any other premises from fruit grown on the licensed premises.

(3) The authorisation conferred by an existing vigneron licence extends to the sale or supply by the licensee:

(a) on the licensed premises, for consumption away from the licensed premises or for the purposes of tasting, or

(b) at an industry show in accordance with sections 33 (1) (d) and 35 (3) of the Act, or

(c) at a producers' market or fair in accordance with sections 33 (1) (e) and 35 (4) of the Act,

of any cider, perry or mead produced by the licensee.

#### **56 Existing community liquor licences**

For the purposes of clause 12 (2) (b) of Schedule 1 to the Act, the whole of the State is taken to be the same area for the purposes of the removal to other premises of an existing community liquor licence that is, in accordance with that clause, converted to a hotel licence under the new Act.

#### **57 Existing Australian wine licences**

For the purposes of clause 15 (3) (d), (5) (d) and (7) (d) of Schedule 1 to the Act, the whole of the State is taken to be the same area for the purposes of the removal to other premises of an existing Australian wine licence that is, in accordance with that clause, converted to an on-premises licence (or other type of licence) under the new Act.

#### **58 Residual existing licences**

(1) The Authority may, during the period of 12 months following the commencement of this Regulation, issue a licence to a person who held an existing licence that has not otherwise been converted by the operation of Schedule 1 to the Act.

(2) The type of licence that may be issued by the Authority in relation to any such existing licence is to be determined by the Authority.

(3) The issuing of any such licence is at the discretion of the Authority and is subject to such procedures and requirements as the Authority considers appropriate.

#### **59 Certain conditions not applicable to existing licences and converted club licences**

(1) An existing licence that is, under Schedule 1 to the Act, converted to a licence under the new Act is not subject to any of the harm minimisation conditions (as set out in Practice Direction No 1/1997 of the Licensing Court) imposed on the existing licence by the former Court or the former Board.

(2) The club licence that is held by an existing registered club is not subject to any of the

harm minimisation conditions (as set out in Practice Direction No 1/1997 of the Licensing Court) imposed on the certificate of registration of the club by the former Court or the former Board.

## **60 Existing dine-or-drink authorities**

(1) In this clause:

**existing dine-or-drink authority** means an authority endorsed on a licence in accordance with section 23AD of the former Act and in force immediately before 1 July 2008.

- (2) The conditions to which an existing dine-or-drink authority was subject under the former Act do not apply to or in respect of an authorisation under section 24 (3) of the Act that is, under Schedule 1 to the new Act, taken to be a continuation of the dine-or-drink authority.
- (3) Any unpaid portion of the prescribed fee payable under the former Act for an existing dine-or-drink authority is not required to be paid.

## **61 Granting of pending applications under former Act**

- (1) If, in accordance with clause 25 of Schedule 1 to the new Act, an application made under the former Act is granted on or after 1 July 2008, the fee payable for the granting of the relevant licence, authorisation or approval under the new Act is the fee referred to in section 56 of the former Act for the granting of an application for a licence, authorisation or approval of the corresponding kind.
- (2) However, if the pending application was for a dine-or-drink authority under section 23AD of the former Act, the fee payable for the granting of the authorisation under the new Act is one-quarter of the relevant fee referred to in section 56 of the former Act for the granting of an application for a dine-or-drink authority.

### **Note—**

If a pending application under the former Act for a dine-or-drink authority is granted after 1 July 2008, it will be an authorisation in force under section 24 (3) of the new Act.

## **62 Applications for licences requiring SIAs under former Act**

- (1) If a social impact assessment was, before 1 July 2008, provided under and in accordance with Division 6A of Part 3 of the former Act but the application to which the social impact assessment relates was not made before that date, an application for the grant or removal of the licence concerned may be made under and in accordance with the provisions of the former Act.
- (2) Any such application must be made within 6 months of the SIA being approved under section 62F of the former Act.

- (3) Clause 25 (2) and (3) of Schedule 1 to the new Act applies to and in respect of any such application as if it had been made before 1 July 2008.

### **63 Pending applications and matters under former Act—ancillary provisions**

- (1) **Final grant of application** If an application for a conditional grant of an application was made under the former Act before 1 July 2008 and the application:

- (a) was conditionally granted before that date, or  
(b) is, in accordance with clause 25 of Schedule 1 to the new Act, conditionally granted on or after that date,

an application for the final grant of the application may be made, and the application may be granted, under section 60 of the former Act.

- (2) Accordingly, a reference in section 55 or section 60 of the former Act to the registrar of the Licensing Court is, for the purposes of enabling the application for a final grant to be made and granted, to be construed as a reference to a Local Court registrar.

- (2A) **Application to amend conditional grant or approve alternative site** Section 40 (3) of the former Act continues to apply, as if it had not been repealed, in relation to an application for a conditional grant of an application that was made under the former Act before 1 July 2008 and conditionally granted before that date or, in accordance with clause 25 of Schedule 1 to the new Act, on or after that date.

- (2B) Accordingly:

- (a) any provisions of the former Act (or the regulations made under that Act) relating to an application made under section 40 (3) (the **related provisions**) continue to apply, as if they had not been repealed, in relation to an application made under that subsection as continued by subclause (2A), and  
(b) a reference in section 40 (3) or the related provisions to the Licensing Court or the registrar of that Court is to be construed as a reference to the Local Court or a registrar of the Local Court, respectively.

- (3) **Application for licence for premises certified suitable for on-licence** If a submission under section 74A of the former Act was made before 1 July 2008 and the former Board, in accordance with clause 25 of Schedule 1 to the new Act, issues a certificate of suitability in relation to the premises the subject of the submission, an application may be made under and in accordance with the former Act for a licence of the kind referred to in section 18 (4) (g) of the former Act. If such a licence is granted, it is to be granted as an on-premises licence relating to the business or activity specified in the licence.

### **64 Re-submission of applications made under former Act—Authority may waive**



### **application fee**

The Authority may waive the application fee payable under the new Act for an application that the Authority is satisfied relates to substantially the same matter as an application that was made under and in accordance with the former Act but was subsequently withdrawn by the applicant.

### **65 Time limit for determining pending matters before former Board**

For the purposes of clause 25 (5) of Schedule 1 to the Act, the period of 6 months commencing on 1 July 2008 is prescribed.

### **65A Existing reviews by Authority of Secretary's decisions**

- (1) Any review by the Authority under section 153 of the Act that was being dealt with, but that had not been finally determined, before the repeal of that section by the amending Act is taken to be a review by the Authority under section 36A of the [Casino, Liquor and Gaming Control Authority Act 2007](#) as inserted by the amending Act.
- (2) In this clause, the **amending Act** means the [Clubs, Liquor and Gaming Machines Legislation Amendment Act 2011](#).

### **65B Prescribed precincts**

- (1) Anything done under Part 5A or 5B (including, without limitation, any approval or order given or made under those Parts) that, immediately before the repeal of those Parts by the amending Regulation, had effect under those Parts is taken to have been done, and to have effect, under Part 5A as inserted by the amending Regulation.
- (2) Without limiting subclause (1), any subject premises order made before the repeal of Parts 5A and 5B by the amending Regulation is validated and, unless subsequently revoked by the Secretary, has effect on and from the commencement of Part 5A as inserted by the amending Regulation.
- (3) In this clause:

**amending Regulation** means the [Liquor Amendment \(Miscellaneous\) Regulation 2017](#).

**subject premises order** means an order made by the Secretary under:

- (a) paragraph (d) of the definition of **subject premises** in clause 53C (1) or 53D (1) as in force before the repeal of Part 5A by the amending Regulation, or
- (b) paragraph (d) of the definition of **CBD subject premises** in clause 53Y (1) or 53Z (1) as in force before the repeal of Part 5B by the amending Regulation.

## Part 7 Miscellaneous

### 66 Additional substances prescribed as liquor

- (1) The following substances are prescribed as liquor under paragraph (c) of the definition of **liquor** in section 4 (1) of the Act:
- (a) an alcohol-based food essence that is packaged:
    - (i) in the case of vanilla essence (whether natural or imitation)—in a container of more than 100 millilitres capacity, or
    - (ii) in any other case—in a container of more than 50 millilitres capacity, except in circumstances where the alcohol-based food essence is sold in that container by wholesale,
  - (b) any vapour that would, as a liquid, be a beverage as referred to in paragraph (a) of that definition,
  - (c) any powder that would, when added to any liquid, constitute a beverage as referred to in paragraph (a) of that definition.
- (2) In this clause:

**alcohol-based food essence** means a food flavouring preparation in liquid form that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume.

### 67 High alcohol-based food essences prescribed as liquor for certain purposes

- (1) In this clause:

**high alcohol-based food essence** means a food flavouring preparation in liquid form that, at 20° Celsius, contains more than 35% ethanol by volume, but does not include a preparation in liquid form that is promoted as a food colouring preparation and is used primarily for the purpose of colouring food.

- (2) High alcohol-based food essence is prescribed as liquor under paragraph (c) of the definition of **liquor** in section 4 (1) of the Act, but only for the purposes of section 117 (1)–(5) and (12) of the Act.

**Note—**

As a result of this provision, it will be an offence under the Act to sell or supply high alcohol-based food essences to minors.

- (3) This clause commences on 1 January 2009.

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

For the purposes of paragraph (f) of the definition of **evidence of age document** in

section 4 (1) of the Act, the following are prescribed as evidence of age documents:

- (a) 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,
- (b) a digital driver licence within the meaning of Part 3.7 of the [Road Transport Act 2013](#), but only if the licence indicates (by reference to the person’s date of birth or otherwise) that the holder of the digital driver licence has attained a particular age.

#### **68 Definition of “non-proprietary association”**

For the purposes of paragraph (c) of the definition of **non-proprietary association** in section 4 (1) of the Act, any community organisation established in connection with a school and that consists of parents of children attending the school together with other persons who are interested in the welfare of the school is prescribed as a non-proprietary association.

#### **69 Definition of “person authorised to sell liquor”**

For the purposes of paragraph (d) of the definition of **person authorised to sell liquor** in section 4 (1) of the Act, the holder of a licence under section 10 of the Act (as modified and applied to and in respect of a casino in accordance with section 89 (2) of the [Casino Control Act 1992](#)) is prescribed as a person authorised to sell liquor.

#### **70 Exemption from the Act relating to sale of liquor by auction—prescribed requirements**

- (1) For the purposes of section 6 (1) (d) of the Act, the following requirements are prescribed:
  - (a) the auctioneer conducting the auction must be a person who carries on business (or is employed) as a professional auctioneer,
  - (b) the auction must be publicly promoted as an auction involving the sale of liquor,
  - (c) the Authority must be notified, in the form and manner approved by the Authority, that the auctioneer sells liquor by auction otherwise than under the authority of a licence under the Act,
  - (d) the auctioneer must comply with any direction given to the auctioneer by the Authority or the Secretary as to the quantity or type of liquor that may be sold by auction or as to the manner or frequency in which liquor is sold by auction.
- (2) Subclause (1) (c) does not apply in relation to a person who, immediately before 1 July 2008, held an off-licence under the former Act authorising the person to auction liquor on behalf of a person not authorised to sell liquor.

#### **70A Exemption relating to cruise ships operating in coastal waters**

The provisions of the Act relating to the sale or supply of liquor do not apply to the sale or

supply of liquor on board a vessel engaged in voyages that operate wholly or partly within the coastal waters of the State (within the meaning of Part 10 of the *Interpretation Act 1987*) if the following requirements are complied with:

- (a) the vessel has sleeping facilities for at least 100 passengers,
- (b) liquor is sold or supplied only to registered fee-paying passengers or crew members,
- (c) liquor is sold or supplied only for consumption on board the vessel,
- (d) liquor is not sold or supplied to minors,
- (e) liquor is not sold or supplied to a person who is intoxicated.

**70AB Exemption relating to take-away liquor trading hours**

- (1) This clause applies in relation to licensed premises (or part of licensed premises) to which section 12 (1B) of the Act applies but only if the premises (or relevant part of the premises) are authorised to trade until 10 pm.
- (2) The licensee of licensed premises (or part of licensed premises) to which this clause applies or an employee or agent of the licensee is exempt from so much of section 9 of the Act as would prohibit the licensee, employee or agent from selling or supplying liquor between 10 pm and 11 pm on any day (other than a Sunday that does not fall on 24 December or a restricted trading day) for consumption away from the premises.
- (3) However, the exemption under subclause (2) does not apply in relation to licensed premises if the licence is subject to:
  - (a) a condition imposed by the Authority or the Secretary before 24 February 2014 that requires the premises to cease trading at or before 10 pm on any day that the exemption would otherwise apply, or
  - (b) a condition imposed by the Authority or the Secretary on or after 24 February 2014 that requires the premises to cease trading before 10 pm on any day that the exemption would otherwise apply.

**70AC Exemption relating to trading hours for small bars in freeze precincts**

- (1) This clause applies in relation to a small bar situated in a freeze precinct (within the meaning of section 47A of the Act) but only if the licensed premises are authorised to trade until midnight.
- (2) The licensee of a small bar to which this clause applies or an employee or agent of the licensee is exempt from so much of section 9 of the Act as would prohibit the licensee, employee or agent from selling or supplying liquor between midnight and 2 am for consumption on the premises.

**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.

**70C Sale or supply of liquor to staff members after closing time**

- (1) This clause applies in relation to the following licensed premises:
  - (a) a hotel (including the premises to which a general bar licence relates),
  - (b) club premises,
  - (c) a small bar,
  - (d) premises (other than accommodation premises) to which an on-premises licence relates.
- (2) The licensee of licensed premises to which this clause applies or an employee or agent of the licensee is exempt from so much of section 9 of the Act as would prohibit the licensee, employee or agent from selling or supplying liquor to a staff member of the premises during a period of not more than 2 hours immediately following the time that the premises were required to cease trading on any day.
- (3) The exemption under subclause (2) applies only if:
  - (a) the staff member was working on the licensed premises immediately before the premises were required to cease trading, and
  - (b) the liquor is not sold or supplied to the staff member for consumption away from the premises.
- (4) In this clause:

**staff member**, in relation to licensed premises to which this clause applies, means any employee or agent of, or a person acting on behalf of, the licensee of the

premises and includes any person engaged to provide entertainment or services on the premises.

#### **70D Conversion of existing licences to small bar licences**

(1) In this clause:

**existing general bar licence** means a general bar licence in force immediately before the commencement of this clause.

**existing licence** means an existing general bar licence or an existing on-premises licence.

**existing on-premises licence** means an on-premises licence in force immediately before the commencement of this clause relating to licensed premises in respect of which the Authority is satisfied that development consent granted under the [Environmental Planning and Assessment Act 1979](#) would permit the premises to operate as a small bar.

**existing premises** means the premises to which an existing licence related immediately before the cancellation of the licence under this clause.

- (2) The holder of an existing licence may surrender the licence to the Authority during the period of 12 months immediately following the commencement of this clause.
- (3) On the surrender of an existing licence in accordance with this clause, the Authority is to:
- (a) cancel the existing licence, and
  - (b) at the same time issue a small bar licence for the existing premises (a **new licence**) to the person who was the holder of the existing licence.
- (4) The provisions of the Act relating to the procedures for the granting of a small bar licence do not apply in relation to the issuing of a new licence under this clause.
- (5) For the avoidance of any doubt, Division 3A of Part 3 of the Act applies to a new licence.
- (6) Any conditions imposed by or under the Act in relation to an existing licence are, on the cancellation of the existing licence, taken to be conditions to which the new licence is subject, but only to the extent that those conditions are consistent with the authority conferred by a small bar licence.
- (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.

### **71 Exceptions from requirement that hotel or on-premises licence cannot operate as invitation-only venues**

For the purposes of sections 17 (3) and 28 (3) of the Act, each of the businesses specified in Column 1 of the following table may be or include a business limited at any time only to selling or supplying liquor to the particular class or classes of persons specified in Column 2 opposite the business concerned.

#### **Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Business</b>	<b>Class/classes of persons</b>
The business carried on under a hotel licence relating to premises that are used and occupied at The Station Resort, Jindabyne at Lot 13 Dalgety Road, Jindabyne, by Perisher Blue Pty Limited.	The class of persons resorting to the premises comprising the staff and guests of the hotel.
The business carried on under an on-premises licence relating to premises that the Authority is satisfied are used and occupied at the British Aerospace Flight Training Academy at Basil Brown Drive, Tamworth, by British Aerospace Flight Training (Australia) Pty Limited.	The class of persons resorting to the premises comprising the staff and students of the Academy and their guests.
The business carried on under an on-premises licence relating to premises that the Authority is satisfied are used and occupied by or on behalf of GIO Australia Limited and being the Mona Vale Conference Centre located at 33 Bassett Street, Mona Vale, Sydney.	The class of persons resorting to the premises comprising those persons who are attending a conference or function on or at the premises.
The business carried on under an on-premises licence relating to premises within a hospital, nursing home, aged care facility or retirement village.	The class of persons resorting to the premises comprising the staff, patients and residents of the hospital, nursing home, aged care facility or retirement village, and their guests.
The business carried on under an on-premises licence relating to premises operated by a surf life saving club.	The class of persons resorting to the premises comprising staff, members and guests of the club.

The business carried on under an on-premises licence relating to premises used and occupied by Morris Corporation (Aust) Pty Ltd, being the mess facilities at the Bemax-Gingko Mine Site near Pooncarie.

The class of persons resorting to the premises comprising the staff of the mine and other persons permitted to use the mess facilities.

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.

### **71A Fee for endorsement by Authority of licence transfer under section 60A of Act**

For the purposes of section 60A (3) (b) of the Act, the following fees are prescribed:

- (a) \$350 in the case of a hotel licence (other than a former community liquor licence) or a packaged liquor licence,
- (b) \$50 in the case of a former community liquor licence,
- (c) \$50 for a limited licence,
- (d) \$200 for any other type of licence.

### **72 Local liquor accords**

For the purposes of section 133 (2) (d) of the Act, a local liquor accord must include a list of the key objectives of the accord.

### **73 Disciplinary action—persons authorised to make complaints**

For the purposes of section 139 (1) (c) of the Act, a complaint to the Authority under Part 9 of the Act in relation to a licensee, manager or close associate of a licensee may be made by the local consent authority for the licensed premises concerned.

### **74 Penalty notice offences and penalties**

- (1) For the purposes of section 150 of the Act:
  - (a) each offence created by a provision specified in Column 1 of Schedule 2 is prescribed, and
  - (b) the prescribed penalty for each such offence is the amount specified opposite the provision in Column 2 of Schedule 2.
- (2) If the reference to a provision in Column 1 of Schedule 2 is qualified by words that restrict its operation to specified kinds of offences or circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.



## **75 Denial of allegation as to age**

For the purposes of section 152 (2) of the Act, an allegation in relation to any proceedings for an offence under the Act or this Regulation is denied as prescribed if it is denied:

- (a) at any adjournment prior to the commencement of the proceedings—by informing the court, the informant or a person appearing for the informant in writing of the denial, or
- (b) at any time not later than 14 days before the hearing of the charge—by informing the informant or a person appearing for the informant in writing of the denial.

## **76 (Repealed)**

## **77 Application for review of disqualification by Authority**

An application to the Authority under section 154 of the Act for removal of a disqualification of more than 3 years imposed by the Authority under section 141 (2) of the Act must:

- (a) specify the grounds on which the application for removal of the disqualification is made, and
- (b) be accompanied by a fee of \$500.

## **78 Exceptions to 6-hour closure requirement**

### **(1) Specific exception relating to 2010 FIFA World Cup matches** If:

- (a) a special occasion extended trading authorisation relating to a 2010 FIFA World Cup match 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,

that condition does not apply in relation to the licence at any time on the day on which the authorisation is in force.

### **(2) General exception during period when special occasion late trading is authorised** Without limiting the operation of subclause (1), if, in the case of a licence to which section 11A applies:

- (a) a special occasion extended trading authorisation is granted in respect of the licensed premises, and
- (b) any part of the 6-hour closure period that, but for this subclause, would apply to the licensed premises occurs during the same period that the authorisation is in force,

section 11A (2) of the Act does not apply in relation to the licence during that same period (but otherwise continues to apply to any remaining part of the 6-hour closure

period occurring on the day the authorisation is in force).

(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.

**79 Exceptions to temporary freeze on licences and other authorisations**

- (1), (1A) (Repealed)
- (2) Division 1A of Part 4 of the Act does not apply to or in respect of CBD subject premises that are tourist accommodation establishments (other than a club) or a licensed restaurant.
- (3) (Repealed)

**Note—**

Division 1A of Part 4 of the Act does not apply to small bars (section 47AA).

**80 Definition of “metropolitan area”—section 66 of Act**

For the purposes of section 66 of the Act, a **metropolitan area** comprises the following local government areas:

Ashfield, Auburn, Bankstown, Blacktown, Blue Mountains, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Hunter’s Hill, Hurstville, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, Newcastle, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Sydney, The Hills, Warringah, Waverley, Willoughby, Wollondilly, Wollongong, Woollahra, Wyong.

**80A Multi-occasion ETAs cannot be granted for metropolitan licensed premises**

For the purposes of section 49B (2) of the Act, the metropolitan area specified in clause 80 is prescribed.

**80B Provisional approval of applications to change boundaries of licensed restaurants for outdoor dining purposes**

- (1) An application under section 94 of the Act to change the boundaries of a licensed restaurant is, when the application is made, taken to be provisionally approved if:
  - (a) the application is made in a form and manner approved by the Secretary, and
  - (b) the applicant declares in the application that the area to which the application relates is to be used for outdoor dining and the sale of liquor with (or ancillary to) outdoor dining, and
  - (c) any approval by the local council that is required for the area to which the application relates to be used for outdoor dining has been obtained.
- (2) However, any such application is taken not to be provisionally approved if:
  - (a) an extended trading authorisation or an authorisation under section 24 (3) of the Act is in force in respect of the licensed restaurant, or
  - (b) the licence for the licensed restaurant is, or was at any time in the previous 12 months, a level 1 or level 2 licence within the meaning of Schedule 4 to the Act, or
  - (c) the licensee or manager of the licensed restaurant has, in the previous 12 months, committed a prescribed offence within the meaning of Part 9A of the Act.
- (3) The provisional approval of an application to change the boundaries of a licensed restaurant:
  - (a) operates to change the boundaries of the licensed premises during the period that the provisional approval is in force, and
  - (b) is subject to such conditions as may imposed by the Secretary, and
  - (c) may be revoked at any time by the Secretary.
- (4) Unless it is sooner revoked by the Secretary, the provisional approval of an application to change the boundaries of a licensed restaurant continues in force until the application is determined by the Authority in accordance with section 94 of the Act.
- (5) The Secretary may waive the application fee for an application under section 94 of the Act that is made in accordance with this clause. In that case, section 94 (4) of the Act does not apply in relation to licensed premises to which the application relates.
- (6) In this clause, **licensed restaurant** means licensed premises operating under the

authority of an on-premises licence granted in respect of a restaurant.

## **Part 8 Transitional provisions consequent on [Liquor Amendment Act 2014](#)**

### **81 Definitions**

In this Part:

**amending Act** means the [Liquor Amendment Act 2014](#).

**bottle shop** means premises or part of premises described in section 12 (1C) of the Act.

**extended trading provision** means section 14 (4A), 18 (3A), 26 (3A), 29 (3A) or 49 (4) (b) of, and clause 44 or 45 of Schedule 1 to, the Act.

**transitional period** means the period commencing on the date of assent to the amending Act and ending on 24 February 2014.

### **82 Exemption during transitional period: standard trading hours for bottle shops**

- (1) A bottle shop is exempted from section 12 (1B) of the Act during the transitional period.
- (2) The standard trading period for a bottle shop during the transitional period is the standard trading period set out in section 12 (1) of the Act.
- (3) If trading outside of the standard trading period was authorised in relation to a bottle shop under section 14, 18, 26, 29 or 49 of the Act immediately before the date of assent to the amending Act (an **existing authorisation**), the bottle shop is exempted from any extended trading provision for the transitional period and may continue for that transitional period to trade outside the standard trading period in accordance with the existing authorisation.

### **83 Exemption: “lock outs” for declared premises**

The licensee of any declared premises within the meaning of Schedule 4 to the Act is exempt from clause 3 (1) of that Schedule (as amended by the amending Act) during the transitional period if the licensee complies, during that period, with clause 3 (1) as in force immediately before its amendment by the amending Act.

### **84 Premises in Kings Cross precinct**

Despite the amendments made to this Regulation by the amending Act, clauses 53B, 53C, 53D, 53F and 53G and 53H of this Regulation (as in force immediately before the date of assent to the amending Act) are taken to continue to apply to subject premises in the Kings Cross precinct until 24 February 2014.

## Schedule 1 Application fees

(Clause 4)

### Part 1 Licence applications

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Type of licence</b>	<b>Fixed component</b>	<b>Processing component</b>	<b>Total</b>
Hotel licence (other than general bar licence)	\$1,500	\$1,000	\$2,500
General bar licence	\$300	\$400	\$700
Club licence	\$100	\$400	\$500
Small bar licence	\$150	\$200	\$350
On-premises licence	\$300	\$400	\$700
Packaged liquor licence	\$1,000	\$1,000	\$2,000
Producer/wholesaler licence	\$300	\$400	\$700
Limited licence (single function) (made by means of an electronic system approved by the Authority)	Nil	\$80	\$80
Limited licence (single function) (made otherwise than by means of an electronic system approved by the Authority)	Nil	\$150	\$150
Limited licence (multi-function)	\$100	\$400	\$500

### Part 2 Applications for extended trading authorisations

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Type of authorisation</b>	<b>Fixed component</b>	<b>Processing component</b>	<b>Total</b>
Ongoing extended trading authorisation allowing trading until midnight	\$100	\$200	\$300
Ongoing extended trading authorisation allowing trading after midnight (subject to requirement that liquor may only be sold on the premises with, or ancillary to, a meal or the provision of accommodation)	\$100	\$200	\$300

Ongoing extended trading authorisation allowing trading after midnight until any time that is not later than 1.30 am (not subject to requirement as to provision of meals or accommodation)	\$1,500	\$1,000	\$2,500
Ongoing extended trading authorisation allowing trading at any time after 1.30 am that is not later than 5 am (not subject to requirement as to provision of meals or accommodation)	\$2,500	\$1,000	\$3,500
Ongoing extended trading authorisation for an on-premises licence relating to a catering service	Nil	\$100	\$100
Special occasion extended trading authorisation	Nil	\$100	\$100
Ongoing extended trading authorisation for a small bar	\$750	\$500	\$1,250
Multi-occasion extended trading authorisation (application made on or before 31 December 2016)	Nil	Nil	Nil
Multi-occasion extended trading authorisation (application made on or after 1 January 2017):			
(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:			
(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	Nil	\$150	\$150
(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

### Part 3 Other applications

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Type of application</b>	<b>Fixed component</b>	<b>Processing component</b>	<b>Total</b>
Application under section 11A (5) for Authority's approval (other than an application for approval of a different 6-hour closure period that is, in the opinion of the Authority, temporary in nature)	\$100	\$200	\$300
Application under section 15A (2) for approval to cease selling liquor and to continue to provide other services and facilities	Nil	\$400	\$400
Application to vary on-premises licence—section 23 (5)	Nil	\$100	\$100
Application under section 46A to suspend licence or to vary or revoke licence suspension	Nil	\$200	\$200
Application for any licence-related authorisation (other than an extended trading authorisation)—section 51 (2)	Nil	\$100	\$100
Application by licensee under section 53 (2) or 54 (2) to vary or revoke a licence condition (other than an application to vary trading hours)	Nil	\$100	\$100
Application by licensee under section 53 (2) or 54 (2) to vary or revoke a licence condition that would result in increased trading hours (other than for an on-premises licence relating to a catering service or a licence for a small bar):			
(a) allowing trading until midnight, or	\$100	\$200	\$300
(b) allowing trading after midnight (subject to requirement that liquor may only be sold on the premises with, or ancillary to, a meal or the provision of accommodation), or	\$100	\$200	\$300

(c) allowing trading after midnight until any time that is not later than 1.30 am (not subject to requirement as to provision of meals or accommodation), or	\$1,500	\$1,000	\$2,500
(d) allowing trading at any time after 1.30 am that is not later than 5 am (not subject to requirement as to provision of meals or accommodation)	\$2,500	\$1,000	\$3,500
Application by licensee under section 53 (2) or 54 (2) to vary or revoke a licence condition that would result in increased trading hours for an on-premises licence relating to a catering service	Nil	\$100	\$100
Application by licensee under section 53 (2) or 54 (2) to vary or revoke a licence condition that would result in increased trading hours for a small bar	\$750	\$500	\$1,250
Application by licensee under section 53 (2) or 54 (2) to vary or revoke a licence condition that would result in decreased trading hours	Nil	Nil	Nil
Application under section 60 or 61 to transfer hotel licence (other than a former community liquor licence) or packaged liquor licence	\$300	\$400	\$700
Application under section 60 or 61 to transfer former community liquor licence	Nil	\$100	\$100
Application under section 60 or 61 to transfer limited licence	Nil	\$100	\$100
Application under section 60 or 61 to transfer any other type of licence	\$200	\$200	\$400
Application under section 62 to carry on licensee's business	Nil	\$100	\$100
Application under section 68 for approval of person to manage licensed premises	Nil	\$100	\$100
Application under section 78 (other than by the Secretary or the Commissioner of Police) for banning order	Nil	\$100	\$100
Application under section 92 for approval to lease or sublease part of licensed premises	Nil	\$100	\$100



Application under section 94 to change boundaries of licensed premises	Nil	\$200	\$200
Application under section 95 to alter name of licensed premises	Nil	\$100	\$100
Application under section 96 to carry on business on temporary premises	Nil	\$100	\$100
Application under section 27 (3), 28 (3), 92 (1) (a), 119 or 124 (3) (c) for Authority's approval	Nil	\$100	\$100

**Note—**

The application fees for the variation or revocation of extended trading authorisations and for approval to remove a licence to other premises are dealt with under clause 5 of this Regulation.

## **Part 4**

### **(Repealed)**

## **Schedule 1A Prescribed precincts**

**Note—**

The Kings Cross precinct (as defined in the Act) is declared under clause 53A to be a prescribed precinct.

## **Part 1 Sydney CBD Entertainment Precinct**

That part of the City of Sydney shown edged with a heavy unbroken line on the map marked "Sydney CBD Entertainment Precinct" signed by the Minister and deposited in the Office of Liquor, Gaming and Racing, but does not include the area within the Kings Cross precinct.

**Note—**

An illustration of the map is as follows:



### Schedule 1AA Sydney CBD premises subject to “lock out” and liquor

## sales cessation restrictions

<b>Licence number</b>	<b>Premises or part of premises</b>
LIQO600462839	Argyle Tavern
LIQO624008199	Play Karaoke
LIQO624009952	Bavarian Beer Cafe York
LIQO624007136	Dockside
LIQO624008450	King St Brewhouse & Restaurant
LIQO624006549	Salon de Thé Restaurant
LIQO624006152	Men's Gallery Sydney
LIQO624014771	Oxford Art Factory
LIQO624004559	Paradiso Terrace
LIQO624007501	Pure Platinum
LIQO624007139	Quay Bar
LIQO600407544	Governor's Pleasure Restaurant
LIQO624004483	Metro Theatre
LIQH400121709	Part of QT Sydney known as "Gilt Bar" as at 29 March 2014
LIQH400100035	Part of Sydney Hilton Hotel known as "Zeta Bar" as at 29 March 2014
LIQH400101465	Part of Coronation Hotel known as "Smoking Panda Bar" as at 19 July 2016

## Schedule 1B Sydney CBD Entertainment precinct—high risk venues

The licensed premises to which any of the licences referred to in this Schedule relate are specified as high risk venues for the purposes of section 116B (2) (b) of the Act. Any change of name of licensed premises as referred to in this Schedule (whether before, on or after 1 October 2017) does not affect the application of this Schedule to the licence for those premises.

<b>Licence Number</b>	<b>Name of licensed premises</b>
LIQO624006319	77 Nightclub
LIQH400103239	Ambar Bar
LIQH440010073	Appetito Pizzeria & Bar
LIQO600462839	Argyle Tavern
LIQH400106688	Artwork in Progress

LIQH400110154	ARQ Sydney
LIQH400103387	Bar 333
LIQO624008448	Bar Brose Dining
LIQH400101163	Bar Century
LIQH400104049	Bar Luca
LIQH424009187	Barrio Cellar
LIQO624009952	Bavarian Bier Cafe York
LIQH400104545	Beauchamp Hotel
LIQO624012364	Beer DeLuxe (Sydney)
LIQH400100485	Bells Hotel
LIQO624009218	Bobby's Boss Dogs and the Soda Factory
LIQC300225925	Bowlers Club of NSW Ltd
LIQH400100752	Brighton Hotel
LIQH400106408	Bristol Arms Retro Tavern
LIQH400120923	Buckleys Sydney
LIQH400122470	Bull and Bear Sydney
LIQH400103859	Bungalow 8 Hotel
LIQH400100892	Burdekin Hotel
LIQH400115733	Cargo Bar
LIQO624015653	CEO Karaoke
LIQH400101171	Chamberlain Hotel
LIQH400101910	Charlie Chan's Bar and Bottle Shop
LIQH400103093	Cheers Bar and Grill
LIQC300229041	City of Sydney RSL & Community Club Limited
LIQC300226433	City Tattersalls Club
LIQH400101279	Civic Hotel
LIQH400103271	Concourse Bar
LIQH400104294	Coolabar Bar/Restaurant
LIQH400101465	Coronation Hotel
LIQH400101538	Court House Hotel
LIQH400101546	Covent Garden Hotel

LIQH400101619	Criterion Hotel
LIQH400101686	Crown Hotel
LIQH400104103	Cruise Hotel
LIQH400101740	Crystal Palace Hotel
LIQH400102224	Della Hyde
LIQO624007136	Dockside
LIQO624008978	Dynasty Karaoke
LIQH400101996	East Sydney Hotel
LIQH440010034	Eau-de-Vie
LIQH400102011	Edinburgh Castle Hotel
LIQH400111592	Establishment Hotel
LIQH400102321	Forbes Tavern Hotel
LIQH400102380	Fortune of War Hotel
LIQH400104693	Frankies Pizza By The Slice
LIQO624013849	Gala KTV Club
LIQH400102143	Gaslight Inn Hotel
LIQH400102577	Glenmore Hotel
LIQH424007712	GPO Sydney
LIQH400102682	Grand Hotel
LIQH400102739	Great Southern Hotel
LIQH400102771	Green Park Hotel
LIQH440010027	Harts Pub
LIQH400101112	Helm Bar
LIQH400102992	Hollywood Hotel
LIQH400108818	Home Nightclub
LIQH400105355	Hotel CBD
LIQH400101082	Hotel Chambers
LIQH400100604	Hotel Downing
LIQH400103654	Hotel Harry
LIQH400102399	Hotel Sweeney's
LIQO624006654	Hudson Ballroom

LIQH400102283	Ivy
LIQH400104766	Jacksons on George
LIQO624014889	K Square Karaoke
LIQO624015081	K1 Karaoke Lounge
LIQO624008450	King St Brewhouse & Restaurant
LIQH400106262	Kinselas Hotel
LIQO660010294	Lantern By Wagaya
LIQH400108613	Laughing Buddha Bar
LIQH400105940	Le Pub
LIQH400103573	Lord Nelson Hotel
LIQH400103603	Lord Roberts Hotel
LIQH400106114	Maloney's Hotel
LIQH400113374	Martin Place Bar
LIQO624006152	Men's Gallery Sydney
LIQH400103840	Mercantile Hotel
LIQH400114443	Merivale at the Angel
LIQH400103883	Metropolitan Hotel
LIQH400104383	Midnight Shift Hotel
LIQO624006286	Miind Nightclub
LIQH400102941	Mountbatten Hotel
LIQH400101864	Mr B's Hotel
LIQH400100191	Munich Brau Haus, The Rocks
LIQH400101252	Mr Tipply's
LIQO624006653	Nevermind Nightclub
LIQC300229009	New South Wales Leagues Club
LIQH400106599	New Windsor Hotel
LIQH400104340	Observer Hotel
LIQH400104359	Occidental Hotel
LIQH400104413	Orient Hotel
LIQO624014771	Oxford Art Factory
LIQH400104480	Oxford Hotel

LIQH400104553	Palace Hotel Sydney Since 1877
LIQO624008073	Palms on Oxford Nightclub
LIQO624004559	Paradiso Terrace
LIQH400104596	Paragon Hotel
LIQH400105592	Pavillion Tavern
LIQH440018953	PJ O' Brien's Irish Pub
LIQO624008199	Play Karaoke
LIQH424007134	Pontoon Bar
LIQH400104200	Prince William Hotel
LIQO624007501	Pure Platinum
LIQH400121709	QT Sydney
LIQO624007139	Quay Bar
LIQH424007943	Rabbit Hole Bar
LIQH400104243	Roof Bar
LIQC300230120	Rugby Club Limited
LIQH400105606	Ryan's Bar
LIQO624006549	Salon De The Restaurant
LIQH400110480	Sanctuary Hotel
LIQH440010015	Scary Canary
LIQH400110200	Scruffy Murphy's
LIQH424006304	Scubar Down Under
LIQH400105495	Shark Hotel
LIQH424008188	Shelbourne Hotel
LIQH400113595	Ship Inn
LIQH424009765	Side Bar
LIQO624015707	Simmer on the Bay
LIQH400105614	Sir John Young Hotel
LIQO624013940	Slide Lounge
LIQH400101562	Slip Inn
LIQH400101120	St James Hotel
LIQH400103441	Star Bar & Grill

LIQH400105746	Star Hotel
LIQO624013586	Star Room
LIQH400100671	Stilo Bar Deli Cafe
LIQH424006252	Stonewall Hotel
LIQH400105819	Strand Hotel
LIQO624015145	Strike KSW
LIQH400104162	Swine and Co
LIQH400100035	Sydney Hilton Hotel
LIQH400105894	Syds Champagne Bar
LIQH400102534	The 3 Wise Monkeys Pub
LIQH400100868	The Albion Place Hotel
LIQH400102038	The Arthouse Hotel
LIQH400100418	The Basement
LIQH440010080	The Baxter Inn
LIQH400100558	The Beresford Hotel
LIQH424009949	The Blacket Hotel
LIQO624006310	The Cauldron
LIQO624006608	The Cliff Dive Pty Ltd
LIQH400104448	The Colombian Hotel
LIQH400100140	The Cuckoo's Perch
LIQH400100086	The Flinders Hotel, Darlinghurst
LIQH400106424	The Flynn
LIQO600407544	The Governors Pleasure Restaurant
LIQH400110081	The Haymarket Hotel
LIQH424015318	The Heritage Belgian Beer Cafe
LIQH400102887	The Langham, Sydney
LIQH400108672	The Local Taphouse (Darlinghurst) Pty Ltd
LIQO624004483	The Metro Theatre
LIQH400100825	The Morrison Bar & Oyster Room
LIQH400104855	The Office Hotel
LIQO624006625	The Oxford Circus 231 Pty Limited



LIQH400105681	The Porterhouse
LIQH400106203	The Republic Hotel
LIQO624013867	The Scary Canary
LIQH400104138	The Sussex Hotel
LIQO624006970	The Velvet Underground Sydney
LIQH400106246	The Verandah Bar & Bistro
LIQH400104987	Triple 8 Hotel
LIQH400104154	Triple Ace Bar
LIQH400105533	V Bar Sydney
LIQH400115709	Vault
LIQH400103646	Woolloomooloo Bay Hotel

### **Schedule 1C Kings Cross precinct—high risk venues**

The licensed premises to which any of the licences referred to in this Schedule relate are specified as high risk venues for the purposes of section 116B (2) (b) of the Act. Any change of name of licensed premises as referred to in this Schedule (whether before, on or after 1 October 2017) does not affect the application of this Schedule to the licence for those premises.

<b>Licence number</b>	<b>Name of licensed premises</b>
LIQO624013096	Bada Bing Night Spot
LIQH440010036	Beachhaus
LIQO600432026	Barrio Chino
LIQO624006680	Candy's Nightclub
LIQO624013697	Velvet Underground Potts Point
LIQO600402925	Crane Bar Sydney Pty Ltd
LIQO624012240	Dancers Cabaret
LIQO624006535	The Club Sydney
LIQH424006058	First Empire Hotel
LIQH400102909	New Hampton Pty Ltd
LIQO624009263	Hugo's Lounge
LIQO624006713	Dollhouse Nightspot
LIQO624006254	Luna Nightclub
LIQH400103719	Mansions Hotel
LIQH400105908	O'Malleys Hotel

LIQH400104731	Piccadilly Hotel
LIQO624006715	Bellini Lounge Pty Ltd
LIQO624002107	Showgirls
LIQH400106750	Sugarmill Hotel
LIQO624006580	The Backroom
LIQH400101244	The Bank Hotel Sydney
LIQH400110111	The Bourbon
LIQH400106742	The Crest Hotel
LIQH400103247	The Kings Cross Hotel
LIQH400103255	The World Bar
LIQH400103816	Studio 54 Hotel
LIQO624006734	Tunnel Nightclub
LIQH400100809	Vegas Hotel

### **Schedule 1D High risk venue exceptions—Sydney CBD Entertainment precinct**

The licensed premises to which any of the licences referred to in this Schedule relate are not high risk venues for the purposes of Division 4 of Part 6 of the Act. Any change of name of licensed premises as referred to in this Schedule (whether before, on or after 1 October 2017) does not affect the application of this Schedule to the licence for those premises.

<b>Licence number</b>	<b>Name of licensed premises</b>
LIQO600400396	360 Degrees Bar & Dining Room
LIQO624008623	Adria Bar Restaurant
LIQH424008103	Amora Hotel Jamison Sydney
LIQO624007948	Aria Restaurant
LIQO624006375	At Bangkok
LIQC300225313	Australian Club
LIQO624012964	B.B.Q. City Restaurant
LIQO624007233	Blackbird Cafe Restaurant
LIQO624001282	Cafe Museum
LIQO600408400	Cafe Nice
LIQO600487858	Captain Torres Spanish
LIQO624008570	Casa Ristorante Italiano

LIQO624009701	City Dae Jang Kum
LIQO624000940	City Extra Restaurant
LIQO624008993	City Recital Hall
LIQC300226522	Combined Services RSL Club Co Operative Ltd
LIQO624007969	Dendy Cinema Opera Quays
LIQO660010214	Di Wang
LIQO624013262	Dolce Vita
LIQC324008772	Dugout Bar and Restaurant
LIQO624006171	East Ocean Restaurant
LIQO600495877	Emperors Garden Restaurant
LIQO624005706	Fratelli Alfresco
LIQH400103476	Four Points Hotel, Sydney
LIQH400101406	Four Seasons Hotel
LIQC300227375	Gallipoli Memorial Club
LIQO624003105	Golden Century Restaurant
LIQO600498442	Golden Harbour Restaurant
LIQC300227650	Hellenic Club Limited
LIQH400121822	Holiday Inn Darling Harbour
LIQO624002320	Indigo Restaurant
LIQH400116152	Intercontinental Sydney
LIQO624007411	Italian Village Restaurant
LIQO624009855	Jamie's Italian by Jamie Oliver
LIQO600432077	La Bora Pizzeria Ristorante
LIQO624003705	Law Society of NSW
LIQO624003772	Little Rumour
LIQO624013898	Lo Studio
LIQO624006386	Low302
LIQH400103832	Menzies Hotel
LIQO624005152	Museum of Sydney
LIQO624014892	Myung Jang
LIQO624008394	Nick's Bar and Grill

LIQO600494005	Nine Dragons
LIQC300229025	NSW Masonic Club
LIQO600462960	O Bar and Dining
LIQH400106432	Old Sydney Holiday Inn
LIQO660031204	Old Town Asian Restaurant
LIQO624014728	Ottoman Cuisine
LIQO600411908	Pancakes On The Rocks
LIQO624006687	Paradiso Functions
LIQH424002828	Park Hyatt Sydney
LIQH400102631	Park Royal Darling Harbour, Sydney
LIQO624013679	Parliament of New South Wales
LIQO624015578	Pendolino
LIQH400102232	Pier One Sydney Harbour
LIQH424007367	Pullman Quay Grand Sydney Harbour
LIQO600700795	Qantas Credit Union Arena
LIQO624001399	Quay Restaurant
LIQO624000526	Queen Victoria Building
LIQH400101627	Radisson Hotel & Suites
LIQO624009176	Redoak Boutique Beer Cafe
LIQO624002497	Restaurant Hubert
LIQO660010182	Rockpool Bar & Grill
LIQO624012499	Roslyn Packer Theatre Walsh Bay
LIQC300230015	Royal Automobile Club of Australia
LIQO624014658	Sea Life Sydney Aquarium, Wild Life Sydney and Madame Tussauds Sydney
LIQO624008960	Seoulria
LIQH400105878	Shangri-La Hotel Sydney
LIQH400104057	Sheraton on the Park
LIQO660010295	Shinara
LIQO624000769	Sienna Marina Brasserie
LIQH400102674	Sir Stamford at Circular Quay

LIQO624009265	SMC Conference & Function Centre
LIQH424012737	Sofitel Sydney Wentworth
LIQO624013506	Spice I Am The Restaurant
LIQO660010178	Spice Temple
LIQO660010032	Steel Bar & Grill
LIQH424007933	Swissotel Sydney on Market Street
LIQH400101767	Sydney Harbour Marriott
LIQO624014046	Sydney Madang Restaurant
LIQO600779774	Sydney Opera House
LIQO600780918	Sydney Town Hall
LIQO624005645	Sydney Town Hall
LIQO624008962	Tailored Events
LIQC300230678	Tattersalls Club
LIQO624015157	The Art Gallery of New South Wales
LIQC300226328	The Catholic Club Ltd
LIQO660011131	The Cuban Place
LIQH400118074	The Grace Hotel
LIQO624012349	The DYC Sydney
LIQO624009653	The Hudson Restaurant and Bar
LIQH424013942	The Mercure Hotel Sydney
LIQO624003343	The New Olympia Theatre
LIQC300229688	The Queen's Club Ltd
LIQH400110103	The Radisson Blu Plaza Hotel Sydney
LIQC324002268	The Royal Exchange of Sydney
LIQO600703530	The State Theatre
LIQH400106572	The Sydney Boulevard Hotel
LIQO600702380	The Sydney Mint Building & Hyde Park Barracks Museum
LIQO600702593	The Theatre Bar at the End of the Wharf
LIQH424007684	The Westin Sydney
LIQO600780144	Theatre Royal

LIQO624012870	Tropicana Caffè
LIQC300230716	Union, University & Schools Club of Sydney
LIQC300230724	Union, University & Schools Club of Sydney
LIQO600404693	Vibe Hotel Goulburn Street
LIQH400111029	Vibe Hotel Rushcutters Sydney
LIQO600498426	Waterfront Restaurant
LIQO624004022	Wolfie's Grill

### Schedule 1E High risk venue exceptions—Kings Cross precinct

The licensed premises to which any of the licences referred to in this Schedule relate are not high risk venues for the purposes of Division 4 of Part 6 of the Act. Any change of name of licensed premises as referred to in this Schedule (whether before, on or after 1 October 2017) does not affect the application of this Schedule to the licence for those premises.

Licence number	Name of licensed premises
LIQO624003042	Bay Bua
LIQO624005737	Crescent on Bayswater
LIQO624015436	Larmont Hotel
LIQO660010450	Gastro Park
LIQO624003465	Holiday Inn Potts Point
LIQO624005728	Hugo's Bar Pizza
LIQO624001880	Miss G's
LIQO624015303	Little Square Sydney
LIQO600404049	El Cubano

### Schedule 2 Penalty notice offences

(Clause 74)

Column 1	Column 2
Provision	Penalty
Offences under the Act	
Section 7 (1)	\$1,100
Section 8 (1)	\$1,100
Section 8 (2)	\$55
Section 9	\$1,100

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Section 11 (2)	\$1,100
Section 40 (5)	\$220
Section 51 (4)	\$220
Section 66 (1)	\$550
Section 66 (2)	\$1,100
Section 69 (1)	\$550
Section 73 (1) or (2)	\$1,100
Section 73 (3)	\$550
Section 74 (1)-(4)	\$550
Section 75 (3)	\$1,100
Section 77 (4), (6) or (8)	\$550
Section 78 (8)	\$550
Section 82 (6)	\$2,200
Section 84 (7)	\$2,200
Section 86 (2)	\$2,200
Section 88 (1)	\$550
Section 92 (1) or (2)	\$550
Section 93	\$550
Section 95 (1), (2) or (4)	\$55
Section 97 (5)	\$220
Section 100 (2)	\$550
Section 101 (7)	\$550
Section 102 (3)	\$550
Section 102A (2)	\$550
Section 103	\$550
Section 104 (1)	\$55
Section 104 (5)	\$220
Section 105 (1)	\$55
Section 106 (1)	\$550
Section 107 (1)	\$55
Section 108 (1)	\$1,100

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Section 109 (1)	\$1,100
Section 110 (1)	\$550
Section 111 (1)	\$110
Section 112	\$110
Section 113 (1)	\$220
Section 114 (1), (2), (3) or (7)	\$220
Section 114 (8)	\$330
Section 116AC (3)	\$550
Section 116AD (6)	\$550
Section 116AE (9)	\$2,200
Section 116E (3)	\$550
Section 116F (5)	\$550
Section 116G (8)	\$2,200
Section 117 (1), (2), (4), (6) or (8)	\$1,100
Section 118 (1)	\$220
Section 118 (2)	\$1,100
Section 119	\$550
Section 120 (1)	\$330
Section 122 (5)	\$220
Section 123 (1)	\$220
Section 124 (1)	\$1,100
Section 124 (2)	\$1,100
Section 125 (1)	\$330
Section 126	\$550
Section 128 (2)	\$220
Section 129	\$220
Section 138 (5)	\$1,100
Schedule 1, clause 18 (1) or (2)	\$330
Schedule 1, clause 18 (3)	\$550
Schedule 1, clause 19	\$330
Schedule 1, clause 20	\$330



**Offences under this Regulation**

Clause 31 (1)	\$220
Clause 32 (1)	\$220
Clause 33 (2)	\$220
Clause 33A (1)	\$220
Clause 34 (1) or (2)	\$220
Clause 39AA (8)	\$550
Clause 39AA (9)	\$220
Clause 39D (2)	\$55
Clause 40 (1)	\$1,100
Clause 40 (2):	
(a) if the staff member's recognised RSA certification has expired, or	\$550
(b) in any other case.	\$1,100
Clause 40 (2A) or (2B)	\$1,100
Clause 40A	\$1,100
Clause 41 (1)	\$220
Clause 41 (2) or (3)	\$440
Clause 41A	\$440
Clause 42 (1)	\$550
Clause 42 (2)	\$220
Clause 42 (3) or (3A)	\$440
Clause 42A (1) or 42B (1)	\$550
Clause 42A (2) or 42B (2)	\$440
Clause 47 (1A)	\$1,100
Clause 47A	\$1,100
Clause 49B	\$1,100
Clause 49C (7)	\$550
Clause 49C (8)	\$220
Clause 50 (4)	\$1,100

## **Schedule 3 (Repealed)**