

# Liquor Regulation 2018

[2018-473]



New South Wales

## Status Information

### Currency of version

Historical version for 1 July 2024 to 30 October 2024 (accessed 14 November 2024 at 12:09)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**

Cl 8A(4) of this Regulation (cl 8A(4) repeals cl 8A on 30.4.2025)

Cl 10(4) of this Regulation (cl 10(4) repeals cl 10(2)(c) and (d), (2A), (3) and (4) on 30.4.2025)

Cl 12(8) of this Regulation (cl 12(8) repeals cl 12(3A)(c) and (d), (3B), (7) and (8) on 30.4.2025)

Cl 115A(4) of this Regulation (cl 115A(4) repeals cl 115A on 1.6.2026)

Cl 135(5) of this Regulation (cl 135(5) repeals cl 135 on 2.7.2026)

- **See also**

[24-Hour Economy Legislation Amendment \(Vibrancy Reforms\) Bill 2024](#)

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2025

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 15 October 2024

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New South Wales

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# Liquor Regulation 2018



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation (cf 2008 reg cl 1)

This Regulation is the *Liquor Regulation 2018*.

### 2 Commencement (cf 2008 reg cl 2)

This Regulation commences on 1 September 2018 and is required to be published on the NSW legislation website.

#### Note—

This Regulation replaces the *Liquor Regulation 2008*, which is repealed on 1 September 2018 by section 10(2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions (cf 2008 reg cl 3)

(1) In this Regulation—

**accredited credential service provider**, for Part 7B—see clause 107CA.

**accredited identity service provider**, for Part 7B—see clause 107CA.

**fee unit**—see Part 4 of Schedule 1.

**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 festival** has the same meaning as in the *Music Festivals Act 2019*.

**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,
- (f) a minors authorisation.

**Liquor & Gaming NSW** means that part of the Department of Enterprise, Investment and Trade known as Liquor & Gaming NSW.

**list of live music and performance venues** means the list kept by the Secretary under the Act, section 3A(a).

**live music venue**—see clause 61A.

**live performance venue** means a music hall, concert hall, dance hall, theatre or other venue that is—

- (a) licensed under an on-premises licence relating to a public entertainment venue, and
- (b) used primarily for live performances or other creative or cultural events, and
- (c) not a live music venue.

**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.

**music festival organiser** has the same meaning as in the [Music Festivals Act 2019](#).

**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.

**planning approval** means—

- (a) development consent under the [Environmental Planning and Assessment Act 1979](#), or
- (b) an approval under Division 5.2 of that Act.

**pop-up licence**—see Division 2A of Part 4.

**provisionally accepted provider**, for Part 7B—see clause 107CA.

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

**RSA supervisory duties** means the following—

- (a) monitoring responsible service of alcohol practices by staff members of licensed premises who are selling, supplying or serving liquor,
- (b) engaging with those staff members, 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).

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

**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.

**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, and includes any person who is employed to carry on activities as a crowd controller or bouncer on or about the premises.

**Sydney CBD Entertainment precinct** means the area of that name described in Part 2 of Schedule 2.

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

**tourist accommodation establishment** means premises—

- (a) operating under an on-premises, hotel or club licence that relates to accommodation premises, and
- (b) that provide 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 provide 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.

**Trusted Digital Identity Framework** or **TDIF**, for Part 7B—see clause 107CA.

**Note—**

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

- (1A) For the purposes of this Regulation, references to **sound** and **noise** are taken to have the same meaning.

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

**Note—**

For the purposes of comparison, a number of provisions of this Regulation contain bracketed notes in headings drawing attention (**cf**) to equivalent or comparable (though not necessarily identical) provisions of the [Liquor Regulation 2008 \(2008 reg\)](#), as in force immediately before the repeal of that Regulation by section 10(2) of the [Subordinate Legislation Act 1989](#).

## Part 2 Fees

**Note—**

See Part 4 of Schedule 1 for the adjustment of fees for inflation.

### Division 1 Application fees and other fees

#### 4 Application fees generally (cf 2008 reg cl 4)

- (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.

- (3) 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.
- (4) 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).
- (5) If an application for a producer/wholesaler licence is made in conjunction with an application for a special drink on-premises authorisation but the authorisation is not granted, the applicant may vary the application so that it only relates to a producer/wholesaler licence (in which case the full producer/wholesaler licence fee specified in Schedule 1 is taken to apply).

#### **5 Other application fees** (cf 2008 reg cl 5)

- (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.

#### **6 Licence transfer endorsement fees** (cf 2008 reg cl 71A)

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

- (a) 3.79 fee units for a hotel licence or a packaged liquor licence,
- (b) 0.54 fee units for a limited licence or a pop-up licence,
- (c) 2.16 fee units for any other type of licence.

## 7 Fees under Part 5

(1) The fees payable in connection with matters under Part 5 are as follows—

Item	Fee payable to Secretary	Fee (in fee units)
1	Fee payable by approved training provider for issue of interim certificate certifying the completion of an approved training course (other than an advanced licensee training course)	0.85
2	Fee payable by approved training provider for issue of interim certificate certifying the completion of an advanced licensee training course	0.4
3	Fee payable by person for issue of recognised competency card with renewed or additional recognised competency card endorsement	0.4
4	Fee payable by person for issue of recognised competency card in replacement of a current recognised competency card that the Secretary is satisfied has been lost, stolen or damaged	0.4
4A	Fee payable by person for issue of recognised competency card with an RSA endorsement issued on the basis of an interim certificate certifying the completion of an RSA bridging course or licensee training course	0.85
5	Fee payable by applicant to become approved training provider of approved training course—	
	(a) for a first approval	15.3
	(b) for a second or subsequent approval	8.44
6	Fee payable by approved training provider for additional approval to provide training course online—	
	(a) for a first approval	15.3
	(b) for a second or subsequent approval	8.44

(2) A person is exempt from paying the fee described in item 3 of subclause (1) if—

- (a) the renewed recognised competency card endorsement is an RSA endorsement, and
- (b) the RSA endorsement is renewed by the completion of an RSA training course



instead of an RSA refresher course.

(3) Words and expressions used in this clause have the same meaning as in Part 5.

#### **7AA Fees under Part 6, Division 1B**

For the purposes of section 99(2)(c) of the Act, the following fees are prescribed—

- (a) 0.24 fee units—fee for online training under clause 107G(4), including fee for knowledge test under clause 107G(3),
- (b) 0.15 fee units—fee for knowledge test under clause 107G(3).

#### **7A Waiver, reduction, postponement or refund of fees**

- (1) A person who is required to pay a fee under the Act may apply to the Secretary for the waiver, reduction, postponement or refund of that fee.
- (2) On receiving such an application, the Secretary may—
  - (a) waive, reduce, postpone or refund the fee, if the Secretary is satisfied that it is appropriate because—
    - (i) the applicant is suffering financial hardship, or
    - (ii) special circumstances exist, or

##### **Example of 'special circumstances'—**

circumstances involving a natural disaster or recovery from a natural disaster

- (b) refuse to waive, reduce, postpone or refund any element.
- (3) However, a person may not apply under this clause for the waiver, reduction, postponement or refund of any or all elements of a periodic licence fee, or part of an element of a periodic licence fee, payable in respect of a licence.
- (4) The Secretary may waive, reduce, postpone or refund any fee payable under the Act, without having received an application under subclause (1), if the Secretary is satisfied it is appropriate because special circumstances exist.

##### **Example of 'special circumstances'—**

circumstances involving a natural disaster or recovery from a natural disaster

- (5) (Repealed)

#### **7B Exemption from particular fees**

- (1) A licensee is exempt from the requirement under section 53(3)(b) or 54(2A)(b) of the Act to pay a fee in relation to an application made under section 53(2)(a) or 54(2) to vary or revoke a prescribed live music condition.

(2) In this clause—

**prescribed live music condition**, for a licence, means a condition of the licence that—

- (a) prohibits or limits the playing of amplified music at licensed premises, or
- (b) prohibits or restricts the playing or performing of live music, live music entertainment or live entertainment—
  - (i) in all or part of the licensed premises, or
  - (ii) at all times of the day or particular times of the day.

### **7C Reduction or refund of particular fees**

Without limiting clause 7A, the Secretary may reduce or refund a proportion, not exceeding 80%, of the total fee payable for an application for an ongoing extended trading authorisation of a type listed in Schedule 1, Part 2 for licensed premises that are live music venues or live performance venues and are—

- (a) on the list of live music and performance venues at the time the application is made, or
- (b) added to the list within 12 months after the application is made.

## **Division 2 Periodic licence fees**

### **8 Definitions** (cf 2008 reg cll 5A and 5B)

In this Division—

**assessment date** for a periodic licence fee means—

- (a) in relation to a part year licence—the date on which the part year licence is granted, and
- (b) in relation to any other licence—15 March in each assessment year.

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

**base fee element**—see clause 10.

**compliance history risk loading element**—see clause 11.

**due date** for the payment of a periodic licence fee means—

- (a) in relation to a part year licence—60 days after the day on which the Secretary sends a notice to the licensee liable to pay the fee under clause 15, and
- (b) in relation to any other licence—29 May in each assessment year.

**element** of a periodic licence fee—see clause 9(1).

**part year licence**, in relation to an assessment year, means a licence that is granted on or after 16 March in that assessment year.

**patron capacity loading element**—see clause 14(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 12(1).

## **8A Review**

- (1) The Minister must conduct a review of the effectiveness of the reduction of fees under clauses 10(2)(c), 12(3A)(c), 13(3) and 14(3A) and the extension of trading hours for dedicated live music and performance venues, including—
  - (a) whether the reduction in fees and extension of trading hours has led to an increase in live music performances or other arts and cultural events on licensed premises, and
  - (b) the impact the reduction in fees and extension of trading hours has had on employment at licensed premises and in the live music performance industry and arts and cultural sectors.
- (2) The Minister must, by 31 March 2025, give a report about the review to the Presiding Officer of each House of Parliament.
- (3) A copy of a report given to the Presiding Officer of a House of Parliament under subclause (2) must be laid before the House within 5 sitting days of the House after it is received by the Presiding Officer.
- (4) This clause is repealed on 30 April 2025.

## **9 Periodic licence fees** (cf 2008 reg cl 5C)

- (1) The periodic licence fee for a licence is the sum of the following elements—
  - (a) the base fee element (determined and adjusted under clause 10),
  - (b) the compliance history risk loading element (determined under clause 11),
  - (c) the trading hours risk loading element (determined under clause 12),
  - (d) (Repealed)
  - (e) the patron capacity loading element (determined under clause 14), which is payable only if a compliance history risk loading element is payable.

- (2) Despite subclause (1), the periodic licence fee for a part year licence is only the base fee element (determined under clause 10), reduced as follows—
  - (a) if the part year licence is granted on or after 16 March but not later than 15 June—by 25%,
  - (b) if the part year licence is granted on or after 16 June but not later than 15 September—by 50%,
  - (c) if the part year licence is granted on or after 16 September but not later than 15 December—by 75%.
- (3) A periodic licence fee is not payable in respect of a part year licence granted on or after 16 December in an assessment year.
- (4) Subclauses (2) and (3) take effect on and from 16 March 2019.

**10 Base fee element** (cf 2008 reg cl 5D)

- (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)—8.86 fee units,
  - (b) for a general bar licence—4.44 fee units,
  - (c) for a club licence—8.86 fee units,
  - (d) for a small bar licence—2.83 fee units,
  - (e) for an on-premises licence—6.47 fee units,
  - (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—6.51 fee units, 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—13.01 fee units, 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—25.98 fee units, 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—3.14 fee units,

(h) for a multi-function limited licence—1.43 fee units.

(2) The base fee element must be reduced—

(a) for an assessment year that commences on or after 15 March 2024, if a demerit point has not been incurred or imposed against the licence, or a licensee or manager of the licensed premises for the licence, in the 3-year period preceding the assessment date—by 5%, or

(b) for an assessment year that commences on or after 15 March 2026, if a demerit point has not been incurred or imposed against the licence, or a licensee or manager of the licensed premises for the licence, in the 5-year period preceding the assessment date—by 10%, or

(c) by 80% for the following venues—

(i) live music venues,

(ii) live performance venues,

(iii) venues mentioned in clause 61B(1)(d), or

(d) for an assessment year that commences on or after 15 March 2022, if the licensed premises have participated in an incentivised event held in the 1-year period preceding the assessment date—by 80%.

(2A) Subclause (2)(c) and (d) apply only to licensed premises on the list of live music and performance venues on the assessment date.

**Note—**

See clause 61B.

(3), (4) (Repealed)

**11 Compliance history risk loading element** (cf 2008 reg cl 5E)

(1) For an assessment year that commences before 15 March 2022, the **compliance history risk loading element** of a periodic licence fee for a licence is—

(a) 32.46 fee units—if 1 relevant demerit offence event has occurred during the relevant compliance period that relates to a demerit offence committed by the licensee or manager of the licensed premises, or

(b) 64.92 fee units—if—

(i) 2 relevant demerit offence events have occurred during the relevant compliance period that relate to demerit 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
  - (c) 97.39 fee units—if—
    - (i) 3 or more relevant demerit offence events have occurred during the relevant compliance period that relate to demerit 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
  - (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.
- (1A) For an assessment year that commences on or after 15 March 2022, the **compliance history risk loading element** of a periodic licence fee for a licence is calculated at a rate of 47.98 fee units for each demerit point incurred or imposed against the licence, or a licensee or manager of the licensed premises, during the relevant compliance period for the assessment year.
- (2) No compliance history risk loading element is payable for a licence if—
- (a) for an assessment year that commences before 15 March 2022—none of the circumstances specified in subclause (1) exist in relation to the licence, or
  - (b) for an assessment year that commences on or after 15 March 2022—no demerit points have been incurred or imposed against the licence, or a licensee or manager of the licensed premises, during the relevant compliance period.
- (3) For the purposes of this clause, a **relevant demerit offence event** occurs when—
- (a) a court convicts a person of a demerit 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 demerit 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 demerit offence event is to be refunded by the Secretary to the licensee.

- (5) If more than one demerit 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 demerit offence event is, for the purposes of this clause, taken to have occurred in relation to that licence.
- (5A) **Transitional** For the purposes of subclause (1A), the reference to a demerit point incurred or imposed against the licence, or a licensee or manager of the licensed premises, during the relevant compliance period for the assessment year includes a reference to a relevant demerit offence event that occurred on or after 1 January 2021 derived from an act or circumstance that occurred or existed before that date.

- (6) In this clause—

**demerit offence** has the same meaning as in section 4 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.

## **12 Trading hours risk loading element** (cf 2008 reg cl 5F)

- (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—27.05 fee units,
- (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—54.05 fee units,
- (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)—10.82 fee units.
- (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 Division 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.

(3A) The trading hours risk loading element must be reduced—

(a) for an assessment year that commences on or after 15 March 2024, if a demerit point has not been incurred or imposed against the licence, or a licensee or manager of the licensed premises for the licence, in the 3-year period preceding the assessment date—by 5%, or

(b) for an assessment year that commences on or after 15 March 2026, if a demerit point has not been incurred or imposed against the licence, or a licensee or manager of the licensed premises for the licence, in the 5-year period preceding the assessment date—by 10%, or

(c) by 80% for the following venues—

(i) live music venues,

(ii) live performance venues,

(iii) venues mentioned in clause 61B(1)(d), or

(d) for an assessment year that commences on or after 15 March 2022, if the licensed premises have participated in an incentivised event held in the 1-year period preceding the assessment date—by 80%.

(3B) Subclause (3A)(c) and (d) apply only to licensed premises on the list of live music and performance venues on the assessment date.

**Note—**

See clause 61B.

(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 packaged liquor licence,

(f) 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,

(g) 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.

(6)–(8) (Repealed)

### **13 (Repealed)**

### **14 Patron capacity loading element** (cf 2008 reg cl 5H)

(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—10.82 fee units,
  - (b) if, on the relevant assessment date, the patron capacity of the licensed premises is more than 60, but not more than 120, patrons—32.46 fee units,
  - (c) if, on the relevant assessment date, the patron capacity of the licensed premises is more than 120, but not more than 300, patrons—64.92 fee units,
  - (d) if, on the relevant assessment date, the patron capacity of the licensed premises is more than 300 patrons—86.57 fee units.
- (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.
- (4) It is a condition of each licence (other than a packaged liquor licence or a multi-function limited 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.

- (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.

**15 Notice of periodic licence fee payable** (cf 2008 reg cl 5I)

- (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, and
  - (d) for part year licences—information about the re-assessment of an unpaid periodic licence fee under clause 19A.
- (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.

**16 Late payment fee** (cf 2008 reg cl 5J)

- (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—0.55 fee units,
  - (b) for any other type of licence—1.1 fee units.
- (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.

**17 Application for reinstatement fees** (cf 2008 reg cl 5K)

- (1) For the purposes of section 58C(3)(b)(iii) of the Act, an application fee of 2.71 fee units must accompany an application for the reinstatement of a licence cancelled under section 58B(3) of the Act.
- (2) 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.

**18 Re-assessment of periodic licence fee** (cf 2008 reg cl 5L)

- (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(3) 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.

**19 Waiver reduction, postponement or refund of elements of periodic licence fee** (cf 2008 reg cl 5M)

- (1) A person who holds a licence may apply to the Secretary for the waiver, reduction, postponement or refund of any or all elements of the periodic licence fee, or part of an element 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) waive, reduce, postpone or refund any or all elements of the periodic licence fee, or part of an element of the periodic licence fee, payable in respect of the licence, if the Secretary is satisfied that it is appropriate because—

(i) the applicant is suffering financial hardship, or

(ii) special circumstances exist, or

**Example of 'special circumstances'—**

circumstances involving a natural disaster or recovery from a natural disaster

(b) refuse to waive, reduce, postpone or refund any element or part of an element.

(3) The Secretary may waive, reduce, postpone or refund any or all elements of a periodic licence fee, or part of an element of a periodic licence fee, payable in respect of a licence, without having received an application under subclause (1), if the Secretary is satisfied it is appropriate because special circumstances exist.

**Example of 'special circumstances'—**

circumstances involving a natural disaster or recovery from a natural disaster

### **19A Re-assessment of unpaid periodic licence fees for part year licences**

(1) If the periodic licence fee for a part year licence is not paid before 15 March following the date on which the part year licence was granted (the **re-assessment date**), the amount payable is to be re-calculated under this Division on the re-assessment date.

**Note—**

See Part 4 of Schedule 1 for the adjustment of fees for inflation.

(2) For the purposes of this Division and section 58B of the Act, the due date for the re-calculated fee is taken to be 29 May following the re-assessment date.

(3) The Secretary is to send a notice under clause 15 to the licensee as soon as practicable after the re-assessment date for a periodic licence fee, but no later than 15 May.

(4) Section 58B of the Act does not apply to a periodic licence fee payable for a part year licence unless the fee is re-calculated under this clause on the re-assessment date.

## **Part 3 Applications**

### **Division 1 Advertising requirements**

#### **20 Definitions** (cf 2008 reg cl 6)

(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.

**full notification application** means the following—

- (a) an application for a hotel licence,
- (b) an application for a club licence,
- (c) an application for a small bar licence, other than an application for a relevant small bar licence that is not required to be accompanied by a statement of risks and potential effects under clause 28A,
- (d) 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 by other electronic means,
- (e) an application for an on-premises licence that relates to a public entertainment venue, other than a cinema or a theatre,
- (f) an application for an ongoing extended trading authorisation in relation to a licence referred to in paragraphs (a)–(d),
- (g) an application under the Act, section 59 for approval to remove a licence referred to in paragraphs (a)–(d) to other premises,
- (h) 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 5am,
- (i) 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 5am,
- (j) an application that is required by the Authority under the Act, section 48(7), definition of **relevant application** to be accompanied by a statement of risks and potential effects.

**limited notification application** means the following—

- (a) an application for a packaged liquor licence that is limited to the sale of liquor only by means of taking orders—
  - (i) over the telephone or by facsimile or mail order, or
  - (ii) through an internet site or by other electronic means,
- (b) an application under the Act, section 59 for approval to remove a licence referred to in paragraph (a) to other premises,
- (c) an application for a multi-occasion extended trading authorisation,
- (d) an application for an authorisation under the Act, section 24(3),
- (e) an application that is required by the Authority under the Act, section 48(7), definition of **relevant application** to be accompanied by a statement of risks and potential effects.

**neighbouring premises**, in relation to an application, means the following—

- (a) for an application for which a statement of risks and potential effects is required to be submitted—a building situated on land within 100m of the proposed or current licensed premises to which the application applies,
  - (b) a 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,
  - (c) a building situated on land within 50m of the proposed or current licensed premises to which the application applies.
- (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.

**21 Notification requirements for limited and full notification applications— the Act, s 48(5)**

- (1) For the Act, section 48(5)(a), the applicant must notify the following non-government stakeholders of the making of a limited or full notification application—
  - (a) for a limited notification application—the occupier of neighbouring premises,
  - (b) for a full notification application—
    - (i) the occupier of neighbouring premises, and
    - (ii) the recognised leaders or representatives of the local Aboriginal community in the local government area, if any,
    - (iii) local Aboriginal community, medical, health and social service organisations,

if any,

- (iv) for 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, and
- (v) the stakeholders determined by the Authority.

(2) For the Act, section 48(5)(a), the Secretary must notify the following government stakeholders, if relevant, of the making of a limited or full notification application—

(a) for a limited notification application—

- (i) the local consent authority, and
- (ii) the local police, and
- (iii) if the proposed licensed premises are, or will be, situated within 500m of the boundary of another local government area—the local consent authority for that other area, and
- (iv) if the premises to which the application relates are, or will be, situated on Crown land within the meaning of the *Crown Land Management Act 2016*—the Minister administering that Act,

(b) for a full notification application—

- (i) the local consent authority, and
- (ii) the local police, and
- (iii) the Centre for Alcohol and Other Drugs of the Ministry of Health, and
- (iv) the local health district for the area in which the proposed licensed premises are situated, and
- (v) the Department of Communities and Justice, and
- (vi) Transport for NSW, and
- (vii) if the proposed licensed premises are, or will be, situated within 500m of the boundary of another local government area—the local consent authority for that other area, and
- (viii) if the premises to which the application relates are, or will be, situated on Crown land within the meaning of the *Crown Land Management Act 2016*—the Minister administering that Act.



- (3) The notice must—
- (a) be given no later than 2 working days after the application is made, and
  - (b) include a link to the NSW Government website where the application documents are located and public submissions may be made, and
  - (c) be in the form, and given in the way, approved by the Authority.
- (4) An applicant for a packaged liquor licence, or for the removal of a packaged liquor licence, that is limited to the sale of liquor by the following means is not required to notify the occupier of neighbouring premises—
- (a) by taking orders over the telephone,
  - (b) by facsimile or mail order,
  - (c) through an internet site,
  - (d) by other electronic means.

**22 Notification requirements for other applications—the Act, s 40(4)(c), 51(2)(c)**

- (1) This clause applies to the following—
- (a) 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,
  - (b) an application to vary the business or activity, or the kind of premises, specified in an on-premises licence,
  - (c) an application to carry on business on temporary premises,
  - (d) an application for a producer/wholesaler licence,
  - (e) an application for a pop-up licence,
  - (f) an application for a limited licence,
  - (g) an application for an extended trading authorisation, that is not a special occasion extended trading authorisation,
  - (h) an application for a drink on-premises authorisation,
  - (i) an application for a special drink on-premises authorisation,
  - (j) an application for an authorisation under the Act, section 24(3),
  - (k) an application for an on-premises licence that is not a full notification application,

- (1) an application to remove an on-premises licence that is not a full notification application.
- (2) The applicant must notify the occupier of neighbouring premises of the making of an application to which this clause applies.
- (3) The Secretary must notify the following government stakeholders, if relevant, of the making of an application to which this clause applies—
  - (a) the local consent authority,
  - (b) the local police,
  - (c) if the premises to which the application relates are, or will be, situated on Crown land within the meaning of the *Crown Land Management Act 2016*—the Minister administering that Act,
  - (d) if the premises to which the application relates are, or will be, situated within 500m of the boundary of another local government area—the local consent authority for that other area.

**22A Applications and authorisations that do not require notification to neighbouring premises**

Despite clause 21 or 22, the requirement to notify the occupier of neighbouring premises of an application does not apply in relation to an application for—

- (a) a producer/wholesaler licence, unless the application is made in conjunction with an application for the following—
  - (i) a special drink on-premises authorisation, or
  - (ii) a drink on-premises authorisation, or
- (b) a pop-up licence, or
- (c) a limited licence, or
- (d) an authorisation, unless the authorisation is—
  - (i) an extended trading authorisation that is not a special occasion extended trading authorisation, or
  - (ii) a special drink on-premises authorisation, or
  - (iii) a drink on-premises authorisation, or
  - (iv) made under the Act, section 24(3).

**23 Notice relating to application to be fixed to premises** (cf 2008 reg cl 9)

- (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.

**24 Exemption for small bar applications** (cf 2008 reg cl 9A)

- (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, the Secretary must notify the local police of the making of a small bar application no later than 2 working days after the application is made.
- (2A) A notice under subclause (2) must—
- (a) include a link to the NSW Government website where the application documents

are located and public submissions may be made, and

(b) be in the form, and given in the way, approved by the Authority.

(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.

#### **25 Exemption for restaurant licence applications made online** (cf 2008 reg cl 9B)

(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 36.

(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.

#### **26 Compliance with advertising requirements** (cf 2008 reg cl 9C)

(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 Statements of risks and other potential effects**

**27 Relevant applications for statements of risks and potential effects—the Act, s 48(7)**

For the Act, section 48(7), definition of **relevant application**, the following are relevant applications—

- (a) limited notification applications,
- (b) full notification applications,
- (c) an application, or one of a class of applications, required by the Authority to be accompanied by a statement of risks and potential effects.

**28 Statements of risks and other potential effects to address matters relating to gambling activities in hotels during extended trading periods—the Act, s 48(6)**

For an application for an extended trading authorisation for a hotel licence, the matters to be addressed by a statement of risks and potential effects are to include matters relating to gambling activities on the licensed premises during the period the authorisation is proposed to be in force.

**28A Statements of risks and other potential effects not required for certain applications—the Act, s 48(7)(b)**

- (1) A relevant small bar licence application is not required to be accompanied by a statement of risks and potential effects 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) An excluded application is not required to be accompanied by a statement of risks and potential effects.
- (3) In this clause—

**excluded application** means the following—

- (a) an application for a small bar, other than an application under the Act, Schedule 1, clause 39, where—
  - (i) the application relates to the same premises as the premises to which a general bar licence relates, and
  - (ii) 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,
- (b) an application for a multi-occasion extended trading authorisation under the Act, section 49B where—
    - (i) the extended trading authorisation of the kind referred to in section 49(5)(a) is in force in relation to the licensed premises, or
    - (ii) the application is made in relation to club premises that have unrestricted trading hours in accordance with the *Registered Clubs Act 1976*, Schedule 2, clause 94,
  - (c) an application for a multi-occasion extended trading authorisation under the Act, section 49B, relating to club premises where, 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 the Act, section 54, 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 relation to the club premises has, on application by the club, been revoked or varied so as to reduce the trading hours to no later than 1:30am, or an application has been made to reduce the trading hours to no later than 1:30am,
  - (d) an application for a multi-occasion extended trading authorisation relating to any other licensed premises where 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.

***relevant small bar licence application*** means 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, other than if the authorisation would result in trading on a regular basis at any time between 2am and 5am,
- (d) an application to vary an extended trading authorisation for a small bar, other than if the variation would result in trading on a regular basis at any time between 2am and 5am.

## **29 Preparation of statements of risks and potential effects—the Act, s 48(2)**

For the Act, section 48(2)(b)(i), in preparing a statement of risks and potential effects, the applicant may, if the applicant considers it appropriate, consult with local consent

authorities, community organisations and members of the public.

## **Division 3 General**

### **30 Submissions in relation to applications** (cf 2008 reg cl 12)

- (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 an on-premises licence relating to a restaurant that is made online and is not required to be accompanied by a statement of risks and potential effects under the Act, section 48, submissions must be made within 14 days of the date on which the application was made.
- (4) In the case of an application for any of the following licences, 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—
  - (a) a limited licence or a pop-up licence,
  - (b) a special occasion extended trading authorisation,
  - (c) an authorisation under section 14(6) of the Act (relating to hotel functions on other premises),
  - (d) a drink on-premises authorisation that is, in the opinion of the Authority, of a temporary nature.
- (5) Despite subclauses (2)–(4), 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.
- (6) 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 36.

### **31 (Repealed)**

### **32 Referral of certain applications not required** (cf 2008 reg cl 13)

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.

**33 Advertising of other applications** (cf 2008 reg cl 14)

- (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.

**34 Applications for certain licence-related authorisations** (cf 2008 reg cl 15)

- (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 a planning approval is required to use the licensed premises in accordance with the licence-related authorisation concerned—the required planning approval is in force.

**35 Information relating to persons interested in licensee's business** (cf 2008 reg cl 16)

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

## **Division 4 Miscellaneous**

### **Subdivision 1 Interim small bar authorisations**

**35A Issue of interim small bar authorisation to applicants for small bar licence**

- (1) A person who applies for a small bar licence is, when the application is made, to be



issued with an interim small bar authorisation by the Secretary if—

- (a) the application is made online, and
  - (b) the application is not required to be accompanied by a statement of risks and potential effects under the Act, section 48, 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 small bar 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 small bar.
- (2) However, the applicant is not to be issued with an interim small bar authorisation in respect of the premises to which the application relates if—
- (a) any interim small bar 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 a small bar licence in respect of the premises has been refused during that 12-month period.
- (3) The Secretary may, by notice in writing to the applicant, require the applicant to provide any information the Secretary requires in relation to the matters referred to in subclause (1).
- (4) If the applicant does not comply with a request by the Secretary under subclause (3) within 30 days from the giving of the notice, the Secretary may revoke the interim small bar authorisation issued to the applicant.
- (5) The Secretary may issue an applicant with an interim small bar authorisation if—
- (a) the applicant's application for a small bar licence was made in accordance with the Act but not determined before the commencement of this clause, and
  - (b) any planning approval required to use the premises for the purposes of a small bar is in force, and
  - (c) the application for the planning approval was subject to a public consultation process under the *Environmental Planning and Assessment Act 1979* that indicated that the premises were intended to operate as a small bar.
- (6) An interim small bar authorisation is to be in the form approved by the Secretary.

### **35B Effect of interim small bar authorisation**

- (1) While an interim small bar authorisation is in force, the person to whom the authorisation is issued, and any employee or agent of that person, is exempt from section 7 of the Act to the extent that the section prohibits the person, employee or agent from selling liquor on the premises to which the authorisation relates.
- (2) Subclause (1) 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 small bar,
  - (b) any person selling liquor on the premises to which the authorisation relates must hold a recognised competency card with a current RSA endorsement under Part 5,
  - (c) for an interim small bar authorisation issued under clause 35A(5), liquor cannot be sold on the premises unless the local police and the local consent authority have been given at least the following period of notice before trading starts—
    - (i) 2 days,
    - (ii) the longer period stated in the authorisation.
- (3) For the purposes of the Act and this Regulation, while an interim small bar 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.
- (4) Subclause (3) does not apply in relation to Division 3 of Part 4 of the Act or to any other provisions of the Act or this Regulation that the Secretary may determine by written order.
- (5) The 6-hour closure period under section 11A of the Act that, in accordance with subclause (2)(a), applies to the premises to which an interim small bar authorisation relates is the period from 4 am to 10 am.

### **35C Period of authorisation**

- (1) Unless the authorisation is revoked by the Secretary, an interim small bar authorisation continues to be in force until the licence application in relation to which the authorisation was issued is determined by the Authority in accordance with the Act.

- (2) The Secretary may revoke an interim small bar authorisation at any time if the Secretary is satisfied that—
  - (a) the requirements or other matters referred to in clause 35A(1) or (5) 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 clause 35B(2) has not been complied with in respect of the premises to which the authorisation relates.

## **Subdivision 2 Other miscellaneous matters**

### **36 Issue of interim restaurant authorisation to applicants for restaurant licence** (cf 2008 reg cl 16A)

- (1) A person who 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 statement of risks and potential effects under the Act, section 48, 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.
- (2) 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.
- (3) 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.

(4) 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 statement of risks and potential effects under the Act, section 48, 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.

- (5) An interim restaurant authorisation under this clause is to be in the form approved by the Secretary.
- (6) 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.
- (7) Subclause (6) 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 a recognised competency card with a current RSA endorsement under Part 5,
  - (c) in the case of an interim restaurant authorisation issued under subclause (4), liquor cannot be sold on the premises unless the local police and the local consent authority have been given at least the following notice before trading starts—
    - (i) 2 days,
    - (ii) the longer period stated in the authorisation.
- (8) 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 (4) (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 (7) has not been complied with in respect of the premises to which the authorisation relates.
- (9) 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.
- (10) Subclause (9) 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.
- (11) 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.
- (12) The 6-hour closure period under section 11A of the Act that, in accordance with subclause (7)(a), applies to the premises to which an interim restaurant authorisation relates is the period from 4 am to 10 am.

### **37 Special drink on-premises authorisations for micro-breweries and small distilleries**

- (1) The Authority may, on an application under section 50 of the Act for a drink on-premises authorisation relating to a micro-brewery or small distillery, grant the authorisation subject to a condition that the authorisation authorises the licensee to sell liquor by retail on the licensed premises, for consumption on the licensed premises, if all of the following apply—
- (a) the applicant carries on business as a producer of beer, cider or spirits,
  - (b) the liquor is not sold on any day of the week (other than on 31 December in any year until 2 am on the next succeeding day, or on a restricted trading day)—
    - (i) outside the standard trading period for that day, or
    - (ii) if the licensee holds an extended trading authorisation in relation to the licence—
      - (A) outside the period authorised by the authorisation, and

- (B) between 2 am and 5 am, despite the authorisation and despite section 50(2)(a) of the Act,
  - (c) food of a nature and quantity consistent with the responsible sale, supply and service of alcohol is made available whenever liquor is sold or supplied under the authorisation,
  - (d) the number of patrons on the premises does not exceed 120,
  - (e) any spirits sold for consumption on the premises are the licensee's product (within the meaning of section 33 of the Act),
  - (f) if the licensee is a producer of beer or cider (or both)—any beer or cider sold for consumption on the premises is the licensee's product (within the meaning of section 33 of the Act).
- (2) No application fee is payable in respect of an application under this clause made before 1 September 2020.
- (3) (Repealed)

### **38 Large-scale commercial event applications**

- (1) In this clause, **large-scale commercial event application** means an application for any of the following in relation to a function or event that is open to the public and that is to be attended by (or has a patron capacity of) 2,000 persons or more on any day—
- (a) a limited licence in respect of a function that is a trade fair,
  - (b) a limited licence for a special event,
  - (c) an authorisation under section 14(6) of the Act to sell liquor on other premises.
- (2) If a large-scale commercial event application is made later than 28 days before the relevant function or event is to begin—
- (a) a late application fee of 1.1 fee units is payable in addition to the relevant application fee, and
  - (b) the Authority may grant the licence or authorisation only if the Authority is satisfied that it has sufficient time to consider the merits of the application.

## **Part 4 Licences and licensed premises**

### **Division 1 Miscellaneous**

#### **39 Small bars—maximum number of patrons** (cf 2008 reg cl 17A)

For the purposes of section 20C(1) of the Act, the prescribed number is 120.

#### **40 General and small bar licences—prohibition on gambling** (cf 2008 reg cl 17)

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.

#### **41 Licensed cinemas and theatres** (cf 2008 reg cl 22)

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.

#### **42 Incident registers** (cf 2008 reg cl 27)

For the purposes of section 56(2)(d) of the Act, the following are prescribed as incidents that must be recorded in the incident register required to be maintained under that section—

- (a) any incident that results in a patron of the relevant licensed premises requiring medical assistance,
- (b) any incident that involves the possession or use on the premises of any substance that the licensee suspects of being a prohibited plant or a prohibited drug.

#### **43 Closure of licensed premises by Authority** (cf 2008 reg cl 28)

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.

#### **44 Availability of licence and licence-related authorisations** (cf 2008 reg cl 36)

- (1) This clause applies to any staff member 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 staff members 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.

#### **44A Neighbouring premises for live entertainment—Schedule 1 to the Act**

For the purposes of the definition of *neighbouring premises* in clause 70(4) of Schedule 1 to the Act, neighbouring premises has the same meaning as in clause 20(1) of this Regulation.

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

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

#### **44C Licensee's duty to preserve the quiet and good order of the neighbourhood**

A licensee must not permit business to be conducted at a licensed premises in a way that unduly disturbs, or unreasonably and seriously disturbs, the quiet and good order of the neighbourhood.

Maximum penalty—50 penalty units.

### **Division 2 On-premises licences**

#### **45 Excluded premises** (cf 2008 reg cl 18)

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.



**46 Authorisation to trade on premises other than licensed premises** (cf 2008 reg cl 20)

(1) In this clause—

**commercial catering business** means a business that provides catering services—

- (a) for functions, occasions or events that are by invitation only, or
- (b) for fee, gain or reward.

**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 that is 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 Secretary, 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—
  - (i) in the case of a function that is open to the public and at which catering

services are to be provided to 2,000 persons or more on any day—not less than 28 days before the date on which the function is to be held, and

(ii) in any other case—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.

(5) Despite subclause (4), a relevant authorisation is not subject to the conditions specified in subclause (4)(a)–(c) in relation to the following—

(a) a function that is not open to the public and that is attended, or that is to be attended, by 100 persons or less,

(b) if the relevant authorisation relates to licensed premises at the Opera House (within the meaning of the *Sydney Opera House Trust Act 1961*)—a function held within the Opera House at which the licensee provides catering services.

**46A Authorisation to sell liquor for consumption away from licensed premises—the Act, s 25A(6)**

(1) An authorisation may be given under the Act, section 25A only if—

(a) the liquor is purchased together with a genuine meal that is being taken away or delivered for consumption away from the licensed premises, and

(b) each customer's order is limited to the type and quantity of liquor specified in subclause (2).

(2) For the Act, section 25A(6)(b), authorised licensed premises must limit each customer's order to—

(a) for a licensed restaurant—

(i) 1 sealed bottle of wine where the volume of the packaged liquor is not more than 750mL, or

(ii) not more than 6 sealed containers of beer, cider or ready-to-drink alcoholic beverages where the volume of the packaged liquor is not more than 2,250mL, or

(iii) not more than 4 sealed containers of house-made cocktails where the volume

of the packaged liquor is not more than 1,000mL, or

(b) for a small bar—

(i) 1 sealed bottle of wine where the volume of the packaged liquor is not more than 750mL, or

(ii) not more than 6 sealed containers of beer, cider or ready-to-drink alcoholic beverages where the volume of the packaged liquor is not more than 2,250mL.

(3) In this clause—

**house-made cocktail** means an alcoholic beverage mixed on the licensed premises.

**ready-to-drink alcoholic beverage** means an alcoholic beverage that is not mixed on the licensed premises.

**47 Authorisation to sell liquor for consumption away from licensed premises** (cf 2008 reg cl 21)

(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 on 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.

(3) An authorisation under section 26 of the Act cannot authorise the sale of liquor between midnight and 5 am.

(4) 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.

(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 each of the following—

- (a) a statutory body representing the Crown, including a NSW Government agency to which the *Interpretation Act 1987*, section 13A applies,
- (b) a Council within the meaning of the *Health Practitioner Regulation National Law (NSW)*, Part 5A.

#### **47A Licensed food courts**

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

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

#### **48 Licensed vessels** (cf 2008 reg cl 38B)

- (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.

## Division 2A Pop-up licences

### 48A Definitions

In this Division—

**pop-up bar** means premises to which a pop-up licence (bar) applies.

**pop-up licence** means a pop-up licence (bar), pop-up licence (event) or pop-up licence (promotion).

**pop-up licence (bar)** means a licence issued under this Division for the purposes of the sale or supply of liquor by retail for consumption on the licensed premises.

**pop-up licence (event)** means a licence issued under this Division for the purposes of the sale or supply of liquor by retail for consumption on the licensed premises in connection with an event and the sale or supply of liquor is ancillary to the purpose for which the event is held.

**pop-up licence (promotion)** means a licence issued under this Division to a holder of a producer/wholesaler licence who carries on business as a producer of liquor, for the purposes of the sale or supply of the liquor (the **licensee's product**)—

- (a) for consumption on the licensed premises for the purpose of tasting, or
- (b) if the licensee's product is supplied in sealed containers—for consumption away from the licensed premises.

### 48B Authorisation conferred by pop-up licence

- (1) For the purposes of section 10(1)(g) of the Act, a pop-up licence is prescribed as a type of licence.
- (2) A pop-up licence (bar) or pop-up licence (event) authorises the licensee to sell or supply liquor on the licensed premises for consumption on the licensed premises on the day or days specified in the licence.
- (3) The authorisation conferred by a pop-up licence (event) does not apply unless the sale or supply of liquor is in connection with an event and the sale or supply of liquor is ancillary to the purpose for which the event is held.
- (4) A pop-up licence (promotion) authorises the licensee, on the day or days specified in the licence, to sell or supply the licensee's product—
  - (a) for consumption on the licensed premises for the purpose of tasting, or
  - (b) if the licensee's product is supplied in sealed containers—for consumption away from the licensed premises.

#### **48C Grant of pop-up licences**

- (1) The Authority may grant a pop-up licence only if the Authority is satisfied that—
  - (a) the licence will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the licensed premises, and
  - (b) the proposed pop-up bar, event or promotion will have a social or economic benefit for the community in the area in which the pop-up bar, event or promotion is located by—
    - (i) encouraging more diverse and vibrant social, cultural or business activities on the days of the pop-up bar, event or promotion, or
    - (ii) increasing the activation of, or revitalising, local places and spaces in the area in which the pop-up bar, event or promotion is located, or
    - (iii) encouraging outdoor dining to create vibrant local communities and additional opportunities for businesses.
- (2) The Authority may grant a pop-up licence for a period of up to 12 weeks and must specify in the licence the day or days on which the pop-up bar, event or promotion may operate under the licence during that period.
- (2A) The Authority may extend the period of a pop-up licence for a further period of up to 12 weeks if—
  - (a) the pop-up licence is used for outdoor dining and the sale of liquor with (or ancillary to) outdoor dining, and
  - (b) the Authority is satisfied that it is appropriate because special circumstances exist.

**Example of 'special circumstances'—**

circumstances involving a natural disaster or recovery from a natural disaster

- (3) A pop-up licence is not to be granted if the Authority is of the opinion that—
  - (a) the sale or supply of liquor under the licence would more appropriately be provided under another type of licence, or
  - (b) the pop-up bar, event or promotion is not temporary or infrequent.
- (4) A pop-up licence (event) is not be granted unless the Authority is of the opinion that the applicant has made appropriate arrangements to ensure that the number of patrons does not exceed 300 or the maximum number of patrons proposed to be specified in a condition imposed by the Authority.

#### **48D Conditions of pop-up licences**

- (1) Liquor may only be sold or supplied under a pop-up licence if—
  - (a) in relation to a pop-up licence (bar)—the number of patrons on the licensed premises does not exceed 100 or any lesser maximum number of patrons as may be specified by a condition imposed by the Authority, or
  - (b) in relation to a pop-up licence (event)—the licensee has complied with the arrangements referred to in clause 48C(4) and the number of patrons at the event does not exceed the maximum number of patrons specified (if any) by a condition imposed by the Authority.
- (2) Liquor may only be sold or supplied under a pop-up licence—
  - (a) in relation to a pop-up bar—between 10 am and midnight on any day or any shorter period as may be specified by a condition imposed by the Authority, or
  - (b) in relation to an event—between 8 am and midnight on any day or any shorter period as may be specified by a condition imposed by the Authority, or
  - (c) in relation to a promotion—between 8 am and midnight on any day or any shorter period as may be specified by a condition imposed by the Authority.
- (2A) Despite subclause (2), liquor may be sold or supplied under a pop-up licence (bar) or pop-up licence (event) for a period until 2 am on any day if—
  - (a) the licence is used for outdoor dining and the sale of liquor with (or ancillary to) outdoor dining, and
  - (b) the Authority has provided written approval for the licensee to sell or supply liquor for the period.
- (2B) Liquor may only be sold or supplied under a pop-up licence (promotion) if the liquor is not sold or supplied as—
  - (a) a drink that is designed to be consumed rapidly (commonly referred to as a “shot”, a “shooter” or a “bomb”), or
  - (b) a ready to drink beverage with an alcohol by volume content of more than 5%.
- (3) (Repealed)

#### **48E (Repealed)**

#### **48F Exemption from provisions of the Act and this Regulation**

- (1) Section 41 of the Act does not apply in relation to an application for a pop-up licence.
- (2) Clause 23 does not apply in relation to an application for a pop-up licence.

## **Division 3 Display of signs and notices**

### **49 Name of licensed premises** (cf 2008 reg cl 29)

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.

### **50 Sale or supply of liquor to minors prohibited (licensed premises)** (cf 2008 reg cl 31)

- (1) A licensee must, in accordance with this clause, display a notice on the licensed premises that informs a person on or at the premises that 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 Secretary and published on a website maintained by Liquor & Gaming NSW.
- (3) The notice must—
  - (a) be clearly legible and in good condition, and
  - (b) be prominently displayed—
    - (i) in the case of premises where liquor is sold at a bar or counter—at the bar or counter, in a manner and position so that a person standing at the bar or counter would reasonably be expected to be alerted to its contents, and
    - (ii) 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 a manner and position so that a person coming in by the entrance would reasonably be expected to be alerted to its contents.

### **51 Sale or supply of liquor to minors prohibited (Internet site)**

- (1) A licensee who offers liquor for sale through an Internet site or by other electronic



means must, in accordance with this clause, display a notice on the site or other electronic means that informs a person accessing the site or electronic means that 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 use the wording approved by the Secretary.
- (3) The notice must be prominently displayed on the site or other electronic means—
  - (a) at all times while the site or electronic means is accessible, and
  - (b) in lettering big enough, and in a sufficient position, to ensure that a person accessing the site or electronic means would reasonably be expected to be alerted to its contents.

## **52 Minors prohibited in bar areas of hotels and clubs** (cf 2008 reg cl 33)

- (1) In this clause—

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

- (2) A licensee must, in accordance with this clause, display a notice in the bar area of the hotel or club premises concerned which informs a person entering the area that persons under the age of 18 years are not permitted in the bar area by law.

Maximum penalty—20 penalty units.

- (3) The notice must be in the form approved by the Secretary and published on a website maintained by Liquor & Gaming NSW.
- (4) The notice must—
  - (a) be clearly legible and in good condition, and
  - (b) be displayed in the manner and place 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.

## **53 Minors prohibited in small bars during certain hours**

- (1) A licensee of a small bar who has been granted a minors authorisation must, in accordance with this clause, display a notice on the licensed premises that contains information about the times minors—
  - (a) are permitted on the premises in the company of a responsible adult, and
  - (b) are permitted on the premises without being in the company of a responsible adult, and

(c) are not permitted on the premises.

Maximum penalty—20 penalty units.

(2) A licensee of a small bar that regularly provides meals and that has not been granted a minors authorisation must, in accordance with this clause, display a notice on the licensed premises which contains information about—

(a) the times minors are permitted on the premises in the company of a responsible adult, and

(b) the times minors are not permitted on the premises.

Maximum penalty—20 penalty units.

(3) The licensee of any of the following small bars must, in accordance with this clause, display a notice on the licensed premises which informs persons at the premises that minors are not permitted on the premises during liquor trading hours—

(a) a small bar that the Authority has declared off-limits to minors,

(b) a small bar that does not regularly provide meals in accordance with the Act or does not have a minors authorisation,

(c) a small bar that does regularly provide meals in accordance with the Act but does not wish to allow minors in the company of a responsible adult on the premises.

Maximum penalty—20 penalty units.

(4) The notice must be in the form approved by the Secretary and published on a website maintained by Liquor & Gaming NSW.

(5) The notice must—

(a) be clearly legible and in good condition, and

(b) be displayed in a manner and in a place that a person entering the licensed premises would reasonably be expected to be alerted to its contents.

**54 Minors to be accompanied by adult in certain areas of hotels and licensed public entertainment venues** (cf 2008 reg cl 34)

(1) A hotelier must display a notice, 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 display a notice, in accordance with this clause, in any area of the licensed premises in which entertainment is provided.

Maximum penalty—20 penalty units.

- (3) The notice must inform a person entering the part of the premises in which the notice is displayed that persons under the age of 18 years in the area must be in the company of a responsible adult by law.
- (4) The notice must be in the form approved by the Secretary and published on a website maintained by Liquor & Gaming NSW.
- (5) The notice must—
  - (a) be clearly legible and in good condition, and
  - (b) be displayed in the manner and place 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.

**55 Breath analysis instruments** (cf 2008 reg cl 35)

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 contain information about the following matters in print of a type size and character that will be clearly legible to a person using the equipment—
  - (i) that the sign contains important information about breath testing,
  - (ii) that readings given by breath analysis instruments are not accepted by Police or the Courts,
  - (iii) that a person's blood alcohol level can rise for 1 hour or more after a person's last drink,
- (c) the sign must be in the form approved by the Secretary and published on a website maintained by Liquor & Gaming NSW.

**55A Minors to be accompanied by adult in areas related to packaged liquor licences and areas dedicated to the sale of liquor**

- (1) This clause applies to the following areas of licensed premises—
  - (a) an area related to a packaged liquor licence,
  - (b) an area dedicated to the sale of liquor by retail in sealed containers on the licensed premises for consumption away from the licensed premises.

- (2) A licensee must display a notice, in accordance with this clause, in an area to which this clause applies.

Maximum penalty—20 penalty units.

- (3) The notice must inform a person entering the area in which the notice is displayed that persons under the age of 18 years in the area must, by law, be in the company of a responsible adult.

## **Division 4 Licence conditions requiring notification of Authority**

### **56 Change of persons interested in licensee's business** (cf 2008 reg cl 37)

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.

### **57 Resumption of trading** (cf 2008 reg cl 38)

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 before the licensed premises resume trading.

## **Division 5 Industry shows and producers' markets or fairs**

### **58 Notice relating to industry shows and producers' markets or fairs** (cf 2008 reg cl 23)

- (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 Secretary.
- (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 Secretary, about the industry show or market or fair (as the case requires) at least 7 days before it is held.

### **59 (Repealed)**

## **Division 6 Wine producers**

### **60 Prescribed percentage of wine that is licensee's own product** (cf 2008 reg cl 25)

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.

**61 Multiple premises of wine producers** (cf 2008 reg cl 26)

- (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 the *Wine Australia 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.

## **Division 7 Live music and performance venues—the Act, s 3A**

### **61A Live music venues**

- (1) In this Regulation, a venue is a **live music venue** if—
- (a) 1 of the following types of licence is in force for the venue—
    - (i) a hotel licence,
    - (ii) a club licence,
    - (iii) a small bar licence,
    - (iv) an on-premises licence,
    - (v) a producer/wholesaler licence, and
  - (b) live music forms a significant part of the venue's normal operations.
- (2) Live music forms a significant part of a venue's normal operations if the venue—
- (a) holds regular live music performances, and
  - (b) has a room or space dedicated to live music performances that—
    - (i) is a significant part of the venue, and
    - (ii) contains appropriate infrastructure to support the regular performances.
- (3) A venue holds regular live music performances if the venue—
- (a) holds an average of at least 2 live music performances per week, or
  - (b) would, but for the impacts of the COVID-19 pandemic, hold an average of at least 2 live music performances per week.

### **61B List of live music and performance venues**

- (1) For the purposes of the Act, section 3A, the Secretary may include the following licensed premises on the list of live music and performance venues—
- (a) a live music venue,
  - (b) a live performance venue,
  - (c) a venue that participates, or is to participate, in an incentivised event,

- (d) a venue located in a special entertainment precinct—
  - (i) that holds live music performances or other arts and cultural events, or
  - (ii) in relation to which the Secretary has been notified of an intention to hold live music performances or other arts and cultural events at that venue.
- (2) For the purpose of determining whether licensed premises are a live music venue, the Secretary is to consider the following—
  - (a) if an application was made under the Live Music Support Package in relation to the premises—the content of the application,
  - (b) if an application is made to the Secretary, in a form approved by the Secretary, for the purpose of demonstrating the premises comply with clause 61A(2)—the content of the application.
- (3) The Secretary may decide not to include licensed premises on the list of live music and performance venues if the premises—
  - (a) are premises for which the licensee—
    - (i) has been liable for compliance history risk loading under clause 11 within the last 2 assessment years, or
    - (ii) will be liable to pay compliance history risk loading in the next assessment year, or
  - (b) comprise a karaoke bar, or
  - (c) are premises that are used primarily to provide adult entertainment of a sexual nature.
- (4) The Secretary may, at any time, remove licensed premises from the list of live music and performance venues if the Secretary is satisfied—
  - (a) the premises are not, or have ceased to be, venues mentioned in subclause (1)(a)-(d), or
  - (b) the premises are, or have become, premises mentioned in subclause (3)(a)-(c).
- (5) Before publishing a list of live music and performance venues that omits licensed premises that were previously included in the list, the Secretary must give the licensee or manager of the premises written notice the licensed premises are to be removed from the list.
- (6) In this clause—

**assessment year** has the same meaning as in clause 8.

**Live Music Support Package** means the Live Music Support Package established by the NSW Government in 2021 in response to the COVID-19 pandemic.

## Part 5 Responsible service of alcohol (RSA) and other activities

### Division 1 Preliminary

#### 62 Definitions (cf 2008 reg cl 39)

(1) In this Part—

**advanced licensee endorsement**—see clause 72(1)(c).

**advanced licensee training course** means an advanced course of training with respect to the management of licensed premises in such a way as to promote the responsible service of alcohol and responsible operation of the licensed premises.

**approved interstate RSA training course** means an RSA training course or RSA refresher course provided in another State or Territory—

- (a) by a registered training organisation that delivers the Australian Skills Quality Authority nationally accredited RSA training course, or
- (b) by another registered training organisation, or by a training organisation approved by the government of the other State or Territory or by or on behalf of the government of the other State or Territory, that is approved by the Secretary for the purposes of this Part.

**approved RCG training course** has the same meaning as in Division 3A of Part 4 of the [Gaming Machines Act 2001](#).

**licensee endorsement**—see clause 72(1)(b).

**licensee training course** means a course of training with respect to the management of licensed premises in such a way as to promote the responsible service of alcohol and the responsible operation of the licensed premises.

**privacy endorsement**—see clause 72(1)(d).

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

**RCG endorsement**—see clause 72(1)(e).

**recognised competency card endorsement**—see clause 72(1).

**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.



**RSA bridging course** means a course of training with respect to the responsible service of alcohol that is provided by the Secretary online to persons who—

- (a) have completed an approved interstate RSA training course, and
- (b) hold current RSA certification or endorsement from another State or Territory.

**RSA endorsement**—see clause 72(1)(a).

**RSA refresher course** means a course of training with respect to the responsible service of alcohol that is provided by the Secretary online.

**RSA training course** means a course of training with respect to the responsible service of alcohol.

**tier 1 licence** means the following—

- (a) a hotel licence,
- (b) a general bar licence,
- (c) a club licence that relates to a registered club,
- (d) a small bar licence,
- (e) a packaged liquor licence,
- (f) a producer/wholesaler licence endorsed with a drink on-premises authorisation,
- (g) an on-premises licence that relates to any of the following—
  - (i) an airport,
  - (ii) a public entertainment venue (other than a cinema),
  - (iii) a restaurant or cafe,
  - (iv) a tertiary institution,
  - (v) a vessel,
  - (vi) a catering service,
  - (vii) a public arena,
  - (viii) a racing facility,
  - (ix) a sport facility.

**tier 1 licensed premises** means the premises to which a tier 1 licence relates.

**tier 2 licence** means the following—

- (a) a small bar licence with an extended trading authorisation that authorises, on a regular basis, the sale or supply of liquor at any time between 2 am and 5 am,
- (b) any of the following licences that authorise, or any of the following licences with an extended trading authorisation that authorises, on a regular basis, the sale or supply of liquor at any time between midnight and 5 am—
  - (i) a hotel licence,
  - (ii) a general bar licence,
  - (iii) a club licence that relates to a registered club,
  - (iv) a producer/wholesaler licence endorsed with a drink on-premises authorisation,
  - (v) an on-premises licence that relates to any of the following—
    - (A) a public entertainment venue (other than a cinema),
    - (B) a restaurant or cafe (but only if the licence is endorsed with an authorisation referred to in section 24(3) of the Act),
    - (C) a tertiary institution,
    - (D) a vessel,
    - (E) a catering service,
    - (F) a public arena,
    - (G) a racing facility,
    - (H) a sport facility.
  - (vi) (Repealed)
- (c) an on-premises licence that relates to any of the following—
  - (i) a facility that is regularly used for adult relaxation entertainment (including adult entertainment of a sexual nature),
  - (ii) a karaoke bar.

**tier 2 licensed premises** means the premises to which a tier 2 licence relates.

- (2) For the purposes of this Part, a recognised competency card endorsement is **current** if it has not yet expired or if it is not suspended or revoked.

## 62A

## Division 2 Training requirements

### 63 Requirements to sell, supply or serve liquor by retail on licensed premises (cf 2008 reg cl 40, 41 and 43)

- (1) **Staff members of licensed premises** A staff member of licensed premises must not sell, supply or serve liquor by retail on the premises unless the staff member holds a recognised competency card with a current RSA endorsement.

Maximum penalty—

- (a) if the licensed premises are in a prescribed precinct—20 penalty units, or
- (b) if the licensed premises are not in a prescribed precinct—10 penalty units.

- (2) **Licensee in relation to staff members of licensed premises** 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 holds a recognised competency card with a current RSA endorsement.

Maximum penalty—50 penalty units.

- (3) **Licensee endorsements** The licensee of licensed premises must not sell, supply or serve liquor by retail on the premises, or cause or permit liquor to be sold, supplied or served by retail on the premises, unless the licensee holds a recognised competency card with—

- (a) a current RSA endorsement, and
- (b) in relation to tier 1 licensed premises—a current licensee endorsement, and
- (c) in relation to tier 2 licensed premises—a current licensee endorsement and a current advanced licensee endorsement.

Maximum penalty—50 penalty units.

- (4) **Manager endorsements** The manager of licensed premises must not sell, supply or serve liquor by retail on the premises, or cause or permit liquor to be sold, supplied or served by retail on the premises, unless the manager holds—

- (a) a current RSA endorsement, and
- (b) in relation to tier 1 licensed premises—a current licensee endorsement, and
- (c) in relation to tier 2 licensed premises—a current licensee endorsement and a current advanced licensee endorsement.

Maximum penalty—50 penalty units.

- (4A) Subclauses (1) and (2) do not apply in relation to a staff member—

- (a) whose principal place of residence is a State or Territory other than New South Wales, and
  - (b) who has completed an approved interstate RSA training course within the previous 5 years.
- (5) **Exemptions** Subclause (3) does not require a licensee to hold a recognised competency card if the licensee is—
- (a) a corporation, or
  - (b) a person who holds a licence transferred under a provisional approval to transfer the licence under section 60 of the Act (but only until the provisional approval ceases to have effect), or
  - (c) taken to be a licensee because of section 61 of the Act, or
  - (d) taken to be a licensee because of section 62 of the Act.
- (6) Subclause (4) does not require a manager to hold a recognised competency card with a current licensee endorsement or current advanced licensee endorsement until 60 days after the day on which—
- (a) the licensee gives the Authority notice of the manager’s appointment under section 69 of the Act, or
  - (b) in the case of a registered club that has only one set of premises or is a registered club referred to in section 66(3) of the Act—the secretary is approved to act as the secretary of the registered club under section 33 of the [Registered Clubs Act 1976](#).
- (7) **Conduct of promotional activities** For the purposes of this clause—
- (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.
- (8) In this clause—
- principal place of residence*** means the place of residence or home that a person primarily occupies, on an ongoing and permanent basis, as the person’s settled or usual home.

#### **64 Requirements for crowd controllers and bouncers** (cf 2008 reg cl 42)

- (1) **Crowd controllers and bouncers** 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 recognised competency card with a current RSA endorsement.

Maximum penalty—

- (a) if the licensed premises are in a prescribed precinct—20 penalty units, or
- (b) if the licensed premises are not in a prescribed precinct—10 penalty units.

- (2) **Employing or engaging crowd controllers and bouncers** A person (including the licensee of licensed premises) must not employ or engage another to carry on activities as a crowd controller or bouncer on or about licensed premises unless the person holds a recognised competency card with a current RSA endorsement.

Maximum penalty—50 penalty units.

- (3), (4) (Repealed)

**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.

**65 Requirements for RSA marshals** (cf 2008 reg cll 42A and 42B)

- (1) **RSA marshals** A person must not, in the course of the person's employment as an RSA marshal, carry out RSA supervisory duties on or about licensed premises unless the person holds a recognised competency card with a current RSA endorsement.

Maximum penalty—

- (a) if the licensed premises are in a prescribed precinct—20 penalty units, or
- (b) if the licensed premises are not in a prescribed precinct—10 penalty units.

- (2) **Employing or engaging RSA marshals** A person (including the licensee of licensed premises) must not employ or engage another as an RSA marshal on licensed premises unless the person holds a recognised competency card with a current RSA endorsement.

Maximum penalty—50 penalty units.

- (3), (4) (Repealed)

**66 Requirements to become a licensee or manager of tier 1 licensed premises or tier 2 licensed premises**

- (1) **Tier 1 licensed premises** The Authority must not do any of the following in relation to a person unless the person holds a recognised competency card with a current licensee endorsement—

- (a) grant the person a tier 1 licence,
  - (b) grant an application for a drink on-premises authorisation that would, if granted, make a licence held by the person a tier 1 licence,
  - (c) approve an application by the person to remove a tier 1 licence to premises other than those specified in the licence,
  - (d) approve the transfer of a tier 1 licence to the person.
  - (e) (Repealed)
- (2) **Tier 2 licensed premises** The Authority must not do any of the following in relation to a person unless the person holds a recognised competency card with a current licensee endorsement and a current advanced licensee endorsement—
- (a) grant the person a tier 2 licence,
  - (b) grant an application for a drink on-premises authorisation, or an extended trading authorisation, that would, if granted, make a licence held by the person a tier 2 licence,
  - (c) approve an application by the person to remove a tier 2 licence to premises other than those specified in the licence,
  - (d) approve the transfer of a tier 2 licence to the person.
  - (e) (Repealed)
- (3) Despite subclauses (1)(d) and (2)(d), the Authority may approve the transfer of a tier 1 licence or a tier 2 licence to a person who does not hold a recognised competency card with a current licensee endorsement or a current advanced licensee endorsement (as the case requires) if a provisional approval to transfer the licence to that person is in force under section 60 of the Act.

#### **67 Requirements for grant of limited licences for large-scale commercial events**

- (1) The Authority must not grant a person either of the following in relation to a function or event that is to be attended by 2,000 or more persons on any day unless the person holds a recognised competency card with a current licensee endorsement—
  - (a) a limited licence in respect of a function that is a trade fair,
  - (b) a limited licence for a special event.
- (2) The Authority must not grant such a licence authorising the sale or supply of liquor at any time between midnight and 5 am on any day unless the person holds a recognised competency card with a current licensee endorsement and a current advanced licensee endorsement.

- (3) The Authority may exempt a person from a requirement to hold a recognised competency card with a current licensee endorsement or a current advanced licensee endorsement under this clause. In deciding whether to do so, the Authority must consider whether the training required to obtain the recognised competency card will be effective in reducing the risk of alcohol-related violence or anti-social behaviour on or about the licensed premises.

**68 Secretary may require applicant for any licence to hold recognised competency card with licensee endorsement or advanced licensee endorsement**

- (1) The Secretary may require an applicant for a particular licence (or applicants for licences of a particular class) to hold a recognised competency card with a current licensee endorsement or a current advanced licensee endorsement (or both).
- (2) In deciding whether to require an applicant (or applicants) to hold a recognised competency card with a current licensee endorsement or a current advanced licensee endorsement (or both), the Secretary must consider whether the training required to obtain the recognised competency card will be effective in reducing the risk of alcohol-related violence or anti-social behaviour on or about the licensed premises.
- (3) The Authority must not grant an applicant a licence unless the applicant holds a recognised competency card with a current licensee endorsement or a current advanced licensee endorsement (or both) as required.

**69 Secretary may require licensee or manager of any licensed premises to hold recognised competency card with licensee endorsement or advanced licensee endorsement**

- (1) It is a condition of a licence that the licensee or manager of the licensed premises must hold a recognised competency card with a current licensee endorsement or a current advanced licensee endorsement (or both) if required to do so by the Secretary by notice in writing.
- (2) The notice may specify the period within which the recognised competency card must be obtained. The Secretary may, by further notice, extend any such period.
- (3) In deciding whether to require a licensee or manager to hold a recognised competency card with a current licensee endorsement or a current advanced licensee endorsement (or both), the Secretary must consider whether the training required to obtain the recognised competency card will be effective in reducing the risk of alcohol-related violence or anti-social behaviour on or about the licensed premises.
- (4) The Secretary may only require a licensee or manager of licensed premises to hold a recognised competency card with a current advanced licensee endorsement if—
  - (a) liquor is authorised to be sold, supplied or served on the licensed premises after midnight on a regular basis, or

(b) (Repealed)

(c) the relevant licence has, within the previous 6 months, been suspended or cancelled under Division 4 of Part 7 of the Act.

## **70 Licensee endorsement includes industry RSA endorsement**

If a provision of this Division requires a person to hold a recognised competency card with a current RSA endorsement, the requirement may be satisfied by holding a recognised competency card with a current licensee endorsement.

## **Division 3 Recognised competency cards**

### **71 Interim certificates**

- (1) On the completion of a training course by a person, the course provider must, as soon as reasonably practicable, issue the person an interim certificate certifying that the person has completed the course.
- (1A) On completion of an RSA bridging course by a person, the Secretary is to issue the person with an interim certificate certifying that the person has completed the RSA bridging course.
- (2) An interim certificate that certifies the completion of a course is, for the period of 90 days after the interim certificate is issued, taken to be equivalent to a recognised competency card with the relevant recognised competency card endorsement.
- (3) The Secretary may, by notice in writing addressed to the holder of an interim certificate, extend the period of 90 days in exceptional circumstances, and in that case the interim certificate and the notice are taken to be equivalent to a recognised competency card with the relevant recognised competency card endorsement for the extended period.

#### **Note—**

For example, a person may produce an interim certificate (or an interim certificate and an extension notice), instead of a recognised competency card, in compliance with a requirement under clause 75, and a person may sell, supply or serve liquor by retail on licensed premises, during the period of equivalence. After that, a person must obtain a recognised competency card with the relevant recognised competency card endorsement in order to sell, supply or serve liquor by retail on licensed premises.

- (4) A person who is issued an interim certificate may apply to the Secretary for a recognised competency card with the relevant recognised competency card endorsement.
- (5) The application must be accompanied by the fee specified in clause 7(1), item 4A if the application relates to the issue of a recognised competency card with an RSA endorsement issued on the basis of—
  - (a) an RSA bridging course, or



(b) a licensee training course.

(6) The application must be accompanied by the fee specified in clause 7(1), item 3 if—

(a) the application relates to the renewal of a recognised competency card endorsement, or

(b) the following apply—

(i) the person has a recognised competency card with a different recognised competency card endorsement,

(ii) the application relates to an additional recognised competency card endorsement.

## **72 Issue of recognised competency card with endorsements** (cf 2008 reg cl 39A)

(1) The Secretary may, on the basis of a relevant interim certificate or relevant interim certificates, issue a person a recognised competency card, in hard copy or electronic form, with any one or more of the following certifications (each of which is a **recognised competency card endorsement**)—

(a) that the person has completed one of the following (an **RSA endorsement**)—

(i) an RSA training course within the previous 5 years,

(ii) an RSA training course earlier than within the previous 5 years and has completed an RSA refresher course within the previous 5 years,

(iii) an approved interstate RSA training course within the previous 5 years and has completed an RSA bridging course within the previous 5 years,

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

(b) that the person has completed a licensee training course within the previous 5 years (a **licensee endorsement**),

(c) that the person has completed an advanced licensee training course within the previous 5 years (an **advanced licensee endorsement**),

(d) that the person has completed a privacy training course at any time (a **privacy endorsement**),

(e) that the person has completed one of the following (an **RCG endorsement**)—

(i) an RCG training course within the previous 5 years,

(ii) an RCG training course earlier than within the previous 5 years and an RCG refresher course within the previous 5 years,

(iii) an advanced RCG training course within the previous 5 years.

- (1A) A person is not eligible to be issued a recognised competency card with an RSA endorsement referred to in subclause (1)(a)(iv) unless the person holds current RSA certification or endorsement from another State or Territory.
- (2) A recognised competency card is to be in the form approved by the Secretary and to contain such other information (including photographic or other information about the identity of the person to whom it is issued) as the Secretary may require at the time the card is issued.

**73 Expiry of recognised competency card endorsements** (cf 2008 reg cl 39C)

- (1) A recognised competency card endorsement expires—
- (a) on the fifth anniversary of the issue of the interim certificate that was the basis for the recognised competency card endorsement being included on the recognised competency card, or
  - (b) if the recognised competency card endorsement is renewed—
    - (i) on the fifth anniversary of the date the recognised competency card endorsement would otherwise have expired, or
    - (ii) in the case of an RSA endorsement that is renewed by the completion of a licensee training course—on the fifth anniversary of the issue of the interim certificate that is the basis for the licensee endorsement being included on the recognised competency card.
- (2) Despite subclause (1)—
- (a) a privacy endorsement does not expire, and
  - (b) an RSA endorsement expires if an RCG endorsement on the same recognised competency card expires (and vice versa), and
  - (c) an advanced licensee endorsement expires if a licensee endorsement on the same recognised competency card expires.

**73A Temporary extension of licensee and advanced licensee endorsements**

- (1) This clause applies to a licensee endorsement or advanced licensee endorsement that expires during the relevant period.
- (2) Despite clause 73(1), an endorsement to which this clause applies continues in force until the end of 14 May 2024.
- (3) If a person holds a recognised competency card with an endorsement to which this clause applies, any other endorsement on the competency card also continues in force

until the end of 14 May 2024.

(4) In this clause—

**relevant period** means the period from 1 January 2024 to 13 May 2024.

**74 Renewal of recognised competency card endorsements** (cf 2008 reg cl 39C)

(1) A recognised competency card endorsement specified in Column 1 of the following table may, before (or within 28 days of) its expiry, be renewed by the completion of the corresponding course specified in Column 2—

<b>Column 1</b>	<b>Column 2</b>
<b>Endorsement that has expired</b>	<b>Course to renew endorsement</b>
RSA endorsement	(a) an RSA training course, or (b) a licensee training course, or (c) an RSA refresher course, or (d) a licensee refresher course, or (e) an approved interstate RSA training course and an RSA bridging course or licensee training course
Licensee endorsement	(a) a licensee training course, or (b) a licensee refresher course
Advanced licensee endorsement	(a) an advanced licensee training course, or (b) a licensee refresher course
RCG endorsement	an approved RCG training course

(2) The renewal of a recognised competency card endorsement does not take effect until the issue of a recognised competency card with the renewed recognised competency card endorsement.

(3) To avoid doubt, the renewal of a recognised competency card endorsement does not make the recognised competency card endorsement current for any period during which the recognised competency card endorsement had expired.

**Note—**

See clause 62(2).

(4) In this clause—

**licensee refresher course** means a course of training provided online by the Secretary in relation to managing licensed premises in a way that promotes—

- (a) the responsible service of alcohol, and
- (b) the responsible operation of licensed premises.

**74A Renewal of RSA or licensee endorsement after expiry for certain persons—the Act, s 159(2)**

- (1) For the Act, section 159(2)(e), a person may renew an expired RSA endorsement or an expired licensee endorsement if—
  - (a) the person has held a licensee endorsement at any time within the previous 3 years, and
  - (b) the person completes a licensee training course.
- (2) Subclause (1) applies despite clause 74(1).

**75 Inspection of recognised competency card** (cf 2008 reg cl 39D)

- (1) A police officer or inspector may require any person who is required to hold a recognised competency card to produce his or her recognised competency card to the police officer or inspector for inspection.
- (1A) A police officer or inspector may require any person who is exempt from a requirement to hold a recognised competency card under clause 63(4A) to produce evidence of the person's exemption from the requirement to the police 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) or (1A).

Maximum penalty—5 penalty units.

**Note—**

An interim certificate is, for a limited period, taken to be equivalent to a recognised competency card and may be produced in compliance with a requirement under this clause: see clause 71(2).

**76 Suspension or revocation of recognised competency card endorsements** (cf 2008 reg cl 39AA and 49C)

- (1) The Authority may, on application by the Secretary or the Commissioner of Police, make one or more of the following orders the Authority considers appropriate in the circumstances—
  - (a) an order suspending—
    - (i) a recognised competency card and all its endorsements for a period not

- exceeding the unexpired term of the competency card or all its endorsements, or
  - (ii) a particular recognised competency card endorsement for a period not exceeding the unexpired term of the competency card or competency card endorsement,
  - (b) an order revoking a recognised competency card (and all of its endorsements), or a particular recognised competency card endorsement,
  - (c) an order declaring that a person is disqualified from holding a recognised competency card, or a particular recognised competency card endorsement, permanently or for the period 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—
    - (i) involving violence that was committed on licensed premises or in the immediate vicinity of licensed premises, and
    - (ii) that, in the opinion of the Authority, creates, or has the potential to create, a significant risk of harm to another person associated with the person's employment on licensed premises, or
  - (c) (Repealed)
  - (d) obtained a recognised competency card or recognised competency card endorsement fraudulently or by deception (including by allowing or arranging for another person to complete or partially complete a training course) (in which case the Authority may only make an order under subclause (1)(b) or (c)).
- (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.
- (4A) Despite subclause (2), if the Authority has provided notice to the person who is the subject of an application for an order under clause 76(4), the Authority may suspend a

recognised competency card, or a particular recognised competency card endorsement, pending a determination by the Authority of whether to make an order under clause 76(1).

- (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 competency card (and all of its endorsements) is suspended by the Authority under this clause, or
  - (b) the person is disqualified under this clause from holding a recognised competency card.

Maximum penalty—50 penalty units.

- (9) If a person's recognised competency card (and all of its endorsements), or a particular recognised competency card endorsement, is suspended or revoked under this clause, the person must surrender the recognised competency card to the Secretary if required to do so by the Authority.

Maximum penalty—20 penalty units.

- (10) Subclause (9) does not apply to a recognised competency card issued in electronic form.
- (11) A person (**the employer**) does not commit an offence under clause 63(2)–(5), 64(2) or 65(2) in relation to a person whose recognised competency card or recognised competency card endorsement has been suspended or revoked by the Authority under this clause if—
  - (a) the person presents the employer a recognised competency card with a recognised competency card endorsement that appears to be current, and
  - (b) the employer is satisfied on reasonable grounds that the recognised competency card endorsement is current.

## **Division 4 Provision of approved training courses**

### **77 Approval to provide training courses** (cf 2008 reg cl 45)

- (1) A registered training organisation may apply to the Secretary to be an approved training provider for any of the following training courses—
  - (a) an RSA training course,
  - (b) a licensee training course,
  - (c) an advanced licensee training course.
- (2) An application to be an approved training provider for a training course must be made in the form approved by the Secretary and be accompanied by the prescribed fee.

**Note—**

See clause 7.

### **78 Additional approval to provide particular training courses online** (cf 2008 reg cl 49A)

- (1) An approved training provider who is the TAFE Commission, an industry association or a provider nominated by an industry association may apply to the Secretary for an additional approval to provide any of the following courses online—
  - (a) an RSA training course,
  - (b) a licensee training course,
  - (c) an advanced licensee training course.
- (2) (Repealed)
- (3) 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.
- (4) An application for an additional approval must be made in the form approved by the Secretary and be accompanied by the prescribed fee.

**Note—**

See clause 7.

- (5) The Secretary may grant an additional approval only if the Secretary is satisfied that the approved training provider has appropriate measures in place—
  - (a) to verify the identity of persons undertaking the training course online, and
  - (b) to assess the competency of those persons, and

(c) to minimise the potential for fraudulent activity.

(6) In this Division (other than clause 77), a reference to an approval to provide training courses includes a reference to an additional approval to provide an approved training course online.

**79 Decision on application** (cf 2008 reg cl 46)

(1) The Secretary may, after considering an application for an approval to provide an approved training course—

(a) grant the approval, 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.

**80 Conditions of approvals to provide training courses** (cf 2008 reg cl 47)

(1) For the purposes of section 114B of the Act, an approval to provide a training course is subject to the conditions set out in subclauses (2)–(4), and such other conditions as the Secretary may from time to time impose.

(2) It is a condition of an approval to provide a training course that each person providing the training course on behalf of the approved training provider (or, in the case of a training course provided online, each online course worker) must—

(a) 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

(b) have at least the following experience, or have such other experience as the Secretary considers to be equivalent—

(i) to provide an RSA training course—3 years experience as the holder of a managerial or supervisory position in respect of licensed premises (being a position with duties in relation to the service of liquor),

(ii) to provide a licensee training course or an advanced licensee training course—5 years experience as the holder of a senior managerial position in respect of licensed premises (being a position with duties in relation to the service of liquor).

(3) It is a condition of an approval to provide a training course that 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) the course—

- (a) the full name of the person,
- (b) the date and country of birth of the person,
- (c) the residential address of the person,
- (d) an email address or mobile phone number (or both) specified by the person as an email address or mobile phone number at which the person may be contacted,
- (e) 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.

- (4) It is a condition of an approval to provide a training course that the approved training provider must pay the Secretary the prescribed fee for each interim certificate issued by it in relation to the course.

**Note—**

See clause 7.

- (5) In this clause—

**online course worker**, in relation to a 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.

**81 Term of approval to provide training courses** (cf 2008 reg cl 48)

- (1) Unless sooner cancelled or renewed, an approval under this division to provide an approved training course ceases to have effect on 30 June after 5 years from the date on which the approval is granted or renewed.
- (2) An approval does not have effect while it is suspended.

**82 Variation, suspension and cancellation of approvals of approved training providers** (cf 2008 reg cl 49)

- (1) The Secretary may, after giving an approved training provider an opportunity to make submissions—
  - (a) vary any condition imposed on an approval, or
  - (b) suspend or cancel any such approval.
- (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.

## Division 5 Transitional provisions

### 83 Transitional provisions

- (1) An approved RSA training course (within the meaning of Division 1 of Part 5 of the *Liquor Regulation 2008*) completed before the commencement of this Regulation is taken to be an industry RSA training course.
- (2) Clauses 63(3)(b) and (c) and (4)(b) and (c), 66 and 67 do not take effect until 1 April 2019.
- (3) Clauses 63(3)(b) and (4)(b) and 66(1)(c) do not apply in relation to an existing tier 1 licensee or manager until—
  - (a) the expiry of any current recognised RSA certification (within the meaning of Division 1 of Part 5 of the *Liquor Regulation 2008*) held by the existing tier 1 licensee or manager on the commencement of this Regulation, or
  - (b) 1 April 2024,whichever is earlier.
- (4) Clauses 63(3)(c) and (4)(c) and 66(2)(c) do not apply in relation to an existing tier 2 licensee or manager until—
  - (a) the expiry of any current recognised RSA certification (within the meaning of Division 1 of Part 5 of the *Liquor Regulation 2008*) held by the existing tier 2 licensee or manager on the commencement of this Regulation, or
  - (b) 1 April 2024,whichever is earlier.
- (5) For the purposes of clause 80(2)(a), and without limitation, the Secretary may, until 1 April 2019, consider enrolment in a Certificate IV in Training and Assessment, or completion of only parts of a Certificate IV in Training and Assessment, to be an equivalent qualification to the Certificate IV in Training and Assessment.
- (6) In this clause—

**existing tier 1 licensee or manager** means a person who was the licensee or manager of tier 1 licensed premises immediately before the commencement of this Regulation.

**existing tier 2 licensee or manager** means a person who was the licensee or manager of tier 2 licensed premises immediately before the commencement of this

Regulation.

**83A Transitional provisions consequent on commencement of [Liquor Amendment \(Miscellaneous\) Regulation 2018](#)**

- (1) The following applies in respect of a training course completed before the commencement of the amending Regulation—
  - (a) an industry RSA training course is taken to be an RSA training course,
  - (b) an industry RSA refresher course is taken to be an RSA refresher course,
  - (c) a licensee RSA training course is taken to be a licensee training course,
  - (d) an advanced licensee RSA training course is taken to be an advanced licensee training course.
- (2) The following applies in respect of an endorsement issued before the commencement of the amending Regulation—
  - (a) an industry RSA endorsement is taken to be an RSA endorsement,
  - (b) a licensee RSA endorsement is taken to be a licensee endorsement,
  - (c) an advanced licensee RSA endorsement is taken to be an advanced licensee endorsement.
- (3) In this clause—

**amending Regulation** means the [Liquor Amendment \(Miscellaneous\) Regulation 2018](#).

**83B Transitional provisions consequent on [Liquor Amendment \(Miscellaneous\) Regulation 2019](#)**

- (1) Despite clause 63(3), the holder of a licence issued or transferred on or after 1 September 2018 and on or before 31 March 2019 is not required to hold a recognised competency card with a current licensee endorsement or current advanced licensee endorsement until 31 May 2019.
- (2) For the purposes of clause 63(6)(a), a licensee who notifies the Authority of the appointment of a manager under section 69 of the Act on or after 1 September 2018 and on or before 31 March 2019 is taken to have given the notice on 1 April 2019.
- (3) For the purposes of clause 63(6)(b), a person approved to act as the secretary of a registered club under section 33 of the [Registered Clubs Act 1976](#) on or after 1 September 2018 and on or before 31 March 2019 is taken to have been approved on 1 April 2019.

## **Part 6 Harm minimisation**

### **84 Discount liquor promotions or advertisements** (cf 2008 reg cl 50)

- (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.

### **85 Drinking water to be available free of charge where liquor served** (cf 2008 reg cl 51)

- (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.

### **86 Undesirable liquor products** (cf 2008 reg cl 52)

- (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% 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% 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% 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).

**87 Codes of practice** (cf 2008 reg cl 53)

(1) The Secretary may approve of a code of practice that deals with the responsible sale, supply, service and promotion of liquor.

(2) The Secretary may approve of any such code of practice for all licences or for particular types of licence only.

(3) If the Secretary 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.

## Part 7 Prescribed precincts

**Note—**

See Schedule 2 for the precincts declared to be prescribed precincts for the purposes of the Act.

## Division 1 Special licence conditions

**88 Special licence conditions applying to subject premises in prescribed precincts** (cf 2008 reg cl 53B)

(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**.

**89, 89A (Repealed)**

**90 Liquor sales cessation period** (cf 2008 reg cl 53D)

(1) In this clause, **liquor sales cessation period** means—

- (a) the period on any day of the week between 3.30am and the commencement of the standard trading period referred to in section 12(1)(a)(i) of the Act, or
  - (b) (Repealed)
- (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) (Repealed)
  - (f) premises to which a licence specified in Schedule 4 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.

**91 Glasses prohibited during general late trading period** (cf 2008 reg cl 53E)

- (1) This clause applies to subject premises that the Secretary has, by written notice to 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) 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.

**92 Certain drinks and other types of liquor sales prohibited during general late trading period** (cf 2008 reg cl 53F)

- (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)-(4) (Repealed)
- (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) (Repealed)

**93 Promotion of rapid consumption drinks** (cf 2008 reg cl 53G)

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.

**94 Requirement for RSA marshals during supervised trading period** (cf 2008 reg cll 53H and 53I)

- (1) This clause applies to subject premises that the Secretary has, by written notice to 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 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—

***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).

**95 (Repealed)**

**96 “Round the clock” incident register** (cf 2008 reg cl 53L)

- (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,
  - (e) any incident that involves the possession or use on the premises of any substance that the licensee suspects of being a prohibited plant or a prohibited drug.
- (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.
- (5) This clause does not apply to a licensee of subject premises to which any of the following licences relates—
- (a) a packaged liquor licence,
  - (b) an on-premises licence, unless the on-premises licence—
    - (i) is endorsed with an authorisation under section 24(3) of the Act, or
    - (ii) relates to a public entertainment venue (other than a cinema or a theatre) or karaoke bar, or
    - (iii) relates to a facility that is regularly used for adult relaxation entertainment (including adult entertainment of a sexual nature).

**97 Other requirements relating to violent incidents** (cf 2008 reg cl 53M)

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 one of the following persons who commands an area or district in which the premises are situated is advised by a staff member of the incident—
  - (i) the Police Area Commander of the police area command,
  - (ii) the Police District Commander of the police district, 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.

**98 Exclusion of persons from subject premises** (cf 2008 reg cl 53N)

- (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 Uhlands,
    - Brothers for Life,
    - Comanchero,
    - Finks,
    - Fourth Reich,
    - Gladiators,
    - Gypsy Joker,
    - Hells Angels,
    - Highway 61,
    - Iron Horsemen,
    - Life and Death,
    - Lone Wolf,
    - Mobshitters,
    - Mongols,

Mongrel Mob,  
No Surrender,  
Nomads,  
Odin's Warriors,  
Outcasts,  
Outlaws,  
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).

**99 Prohibition on entering subject premises after drinking in alcohol-free zone or alcohol prohibited area** (cf 2008 reg cl 530)

- (1) This clause applies to subject premises situated in a prescribed precinct other than the Kings Cross 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.

**Division 2 Exemptions from special licence conditions**

**100 General exemption relating to residents of tourist accommodation establishments** (cf 2008 reg cl 53R)

Division 1 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.

**101 Exemptions on application by licensee of subject premises** (cf 2008 reg cl 53Q)

- (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 Division 1.
- (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.

**102 Exemptions relating to “round the clock” incident register—the Act, s 116I**

- (1) The licensee of subject premises is not required to maintain an incident register under clause 96 in a period during which a high-risk festival is being held at the premises if the licensee agrees each of the following, in advance of the festival and in writing, with the music festival organiser for the festival—
  - (a) the incident register required to be kept under the [Music Festivals Act 2019](#), section 11 will be the only incident register kept in relation to the festival,
  - (b) the music festival organiser will, immediately after the festival, give the licensee a copy of the register.
- (2) The licensee must ensure the copy of the register is kept for at least 3 years from when the information was recorded in the register.
- (3) The licensee must, if requested to do so by a police officer or inspector—
  - (a) make the copy of the register immediately available for inspection by a police officer or inspector, and
  - (b) allow a police officer or inspector to take copies or to remove the copy of the

register from the premises.

## **Divisions 3, 4**

### **103-107 (Repealed)**

## **Part 7A Demerit points system**

### **107A Additional details for demerit points register**

For the purposes of section 144D(2)(f) of the Act, the Secretary must, for each licensee, manager of licensed premises or licence in relation to which 1 or more demerit points are in force, record in the demerit points register details of the circumstances that resulted in each demerit point being incurred or imposed.

### **107B Person to whom Authority must give copies of applications to remove demerit points**

For the purposes of section 144ZD(5)(a) of the Act, the following persons are prescribed—

- (a) the NSW Police Force,
- (b) the local consent authority for the licensed premises to which the application relates,
- (c) the Secretary.

### **107C Matters Authority must consider when deciding to remove demerit points**

For the purposes of section 144ZE(4)(a) of the Act, the following matters are prescribed—

- (a) any submissions received from a person prescribed under clause 107B,
- (b) whether the licensee has entered into a liquor accord,
- (c) if the licensee has entered into a liquor accord—the licensee's compliance with the terms of the liquor accord.

## **Part 7B Same day liquor deliveries**

### **107CA Definitions**

In this Part—

**accredited credential service provider** means a credential service provider who has been accredited under the Trusted Digital Identity Framework.

**accredited identity service provider** means an identity service provider who has been accredited under the Trusted Digital Identity Framework.

**provisionally accepted provider**, of identity verification services, means an identity service provider—

- (a) who has applied to become an accredited identity service provider before 1 October 2022, and
- (b) whose application has not been refused.

**Trusted Digital Identity Framework** or **TDIF** means the *Trusted Digital Identity Framework* published by the Digital Transformation Agency on behalf of the Commonwealth.

**107D Circumstances that are not same day deliveries**

For the purposes of section 114F(2) of the Act, the following deliveries of packaged liquor are not a same day delivery—

- (a) a delivery of packaged liquor sold, whether by wholesale or retail, to a person authorised to sell liquor,
- (b) a delivery of packaged liquor that—
  - (i) forms part of a sale of food designed to be delivered with a hamper, and
  - (ii) in which the volume of the packaged liquor is not more than 1.5 litres.

**107DA Age verification process for same day deliveries**

- (1) For the purposes of the Act, sections 159(2)(f3) and 114HA(1)(b), the process used by an accredited identity service provider or provisionally accepted provider to verify the age of a person entering into an agreement for same day liquor delivery must meet the following minimum standards—
  - (a) the person must provide evidence of the person’s identity at or above Identity Proofing Level 1 Plus under the *Role Requirements* of the TDIF, and
  - (b) the person’s age must be verified by reference to the person’s date of birth attribute.
- (2) In this clause—

**date of birth attribute**, for a person, means the core identity attribute named “date of birth” under the TDIF.

**107DB Age verification for first agreement for same day delivery**

- (1) For the purposes of the Act, section 114HA(1)(b), the first time a same day delivery provider enters into an agreement with a person for same day liquor delivery, the provider may use a provisionally accepted provider of identity verification services to verify the person is at least 18 years of age.
- (2) (Repealed)

**107DC Identity authentication for subsequent agreement for same day delivery**

(1) For the purposes of the Act, section 114HA(2), before entering into a second or subsequent agreement with a person for same day liquor delivery, the same day delivery provider must require the person to authenticate the person's identity using a system that relies on accredited credentials.

(2) In this clause—

**accredited credentials** are credentials issued to proofed individuals in accordance with authentication credential requirements under the TDIF by—

- (a) an accredited credential service provider, or
- (b) an accredited identity service provider, or
- (c) a provisionally accepted provider.

**proofed individual** means a person who has been verified as being at least 18 years of age by—

- (a) an accredited identity service provider, or
- (b) a provisionally accepted provider.

**107E Evidence of age and identity**

For the purposes of section 114I(1) of the Act, the evidence of identity and age is—

- (a) an evidence of age document, or
- (b) if a person would reasonably believe the person who is taking delivery of the liquor is over the age of 18 years—a signed declaration that states—
  - (i) the person's name, and
  - (ii) that the person is of or above the age of 18 years.

**107F Self-exclusion agreement**

For the purposes of section 114O of the Act, a self-exclusion agreement must provide for a participant to agree to be prevented from having liquor delivered by the same day delivery provider to the participant—

- (a) for the period specified in the agreement, or
- (b) permanently.

**107G Training for same day delivery providers, employees and agents of same day**

### **delivery providers**

- (1) For the purposes of section 114P of the Act, the minimum requirements for the training are that the training provides the same day delivery provider, employee or agent with an understanding of the following—
  - (a) the obligations for responsibly delivering alcohol under the Act and other State laws,
  - (b) how to responsibly serve alcohol in the context of delivering liquor, including how to recognise intoxication and reduce the risk of supply of liquor to minors,
  - (c) how to ensure the provider's, employee's or agent's own safety in delivering liquor.
- (2) For the purposes of section 114P(4)(b), the training must require a same day delivery provider, employee or agent to—
  - (a) complete a test, approved by the Secretary, that demonstrates the provider's, employee's or agent's knowledge of the information that is part of the training, and
  - (b) register the provider's, employee's or agent's completion of the training and test on an online system approved by the Secretary.
- (3) The knowledge test required to be completed under subclause (2)(a) must be completed every 5 years.
- (4) For the purposes of the Act, section 114P(4)(c), the Secretary may provide a course of online training about the responsible supply of alcohol.
- (5) The Secretary must maintain, and make publicly available, a register of the following information relating to training completed under subclause (2)(a)—
  - (a) the details of the same day delivery provider, employee or agent,
  - (b) the date of completion of the knowledge test,
  - (c) the knowledge test completion certificate number,
  - (d) the details of the training provider.

### **107H Same day delivery data reporting**

- (1) For the purposes of the Act, section 159(2)(f4), a same day delivery provider must keep records of the following matters in the approved form in relation to same day deliveries made in each reporting period—
  - (a) the delivery postcode,



(b) the type of liquor delivered, in the following categories—

- (i) beer, cider, perry or mead,
- (ii) wine,
- (iii) spirits,

(c) the volume of packaged liquor delivered.

(2) A same day delivery provider must provide a report to the Secretary, in the approved form, within 21 days of the end of a reporting period containing the information required to be kept under subclause (1).

(3) In this clause—

**reporting period** means a period of six months ending on 31 December or 30 June.

#### **1071 Age verification for same day deliveries—alternative process**

(1) This clause prescribes, for the Act, section 114HA(1)(b) and (2)—

- (a) the minimum standard for a process used by a same day delivery provider to verify the age of a person entering into an agreement for same day liquor delivery, and
- (b) the form of authentication the person is required to undergo for a second or subsequent occasion on which the person intends to enter into an agreement for same day liquor delivery with the same day delivery provider.

(2) The minimum standard is—

- (a) the person entering into the agreement (the **purchaser**) must give the same day delivery provider the purchaser's name and date of birth, and
- (b) the same day delivery provider must either—
  - (i) use a process provided by an accredited identity service provider or provisionally accepted provider that uses an artificial intelligence system to authenticate an evidence of age document for the purchaser, or
  - (ii) require the purchaser to state that the purchaser is, or would be, able and willing to produce, at the time of the same day delivery, an evidence of age document for the purchaser that verifies the purchaser's identity and age.

(3) The form of authentication the person is required to undergo must—

- (a) use a system that relies on credentials, or
- (b) require the purchaser to—

- (i) give the same day delivery provider the purchaser's name and date of birth, and
- (ii) state that the purchaser is, or would be, able and willing to produce, at the time of the same day delivery, an evidence of age document for the purchaser that verifies the purchaser's identity and age.

(4) In this clause—

**credentials** means credentials issued to proofed individuals by the same day delivery provider, an accredited identity service provider or a provisionally accepted provider of at least credential level 1 as specified in the role requirements for the TDIF.

**proofed individual** means a person who has been verified as being at least 18 years of age by the same day delivery provider using a process that meets the minimum standard specified in subclause (2).

(5) (Repealed)

## Part 8 Definitions

### 108 “Evidence of age document” (cf 2008 reg cl 67A)

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,
- (c) a digital proof of age product issued by Australia Post (known as “digitaliD”) for the purpose of attesting to a person's identity and age,
- (d) a digital driver licence issued by a State or Territory, 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.

### 109 “Liquor”: additional substances prescribed (cf 2008 reg cl 66)

- (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% ethanol by volume.

**110 “Liquor”: high alcohol-based food essences prescribed for certain purposes** (cf 2008 reg cl 67)

(1) 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.

(2) 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.

**111 “Non-proprietary association”** (cf 2008 reg cl 68)

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.

**112 “Person authorised to sell liquor”** (cf 2008 reg cl 69)

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.

**113 “Tertiary institution”** (cf 2008 reg cl 80C)

For the purposes of paragraph (c) of the definition of **tertiary institution** in section 4(1) of the Act, the following higher education providers are prescribed—

National Art School (ACN 140179111), Forbes Street, Darlinghurst, NSW 2010

**Part 9 Exemptions and exceptions**

**114 Sale of liquor by auction—prescribed requirements for exemption** (cf 2008 reg cl 70)

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 Secretary must be notified, in the form and manner approved by the Secretary, 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 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.

**115 Sale of liquor at fundraising functions—additional requirement for exemption** (cf 2008 reg cl 70B)

- (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 50, and
  - (b) be in the form approved by the Secretary and published on a website maintained by Liquor & Gaming NSW, 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.

**115A Exemption relating to certain treatments for misuse or abuse of liquor**

- (1) The provisions of the Act relating to the sale or supply of liquor do not apply to a trial managed alcohol program that is—

- (a) operated by St Vincent's Hospital Sydney Limited, ACN 054 038 872 (**St Vincent's Hospital Sydney**), and
- (b) carried out at one or more of the following premises (the **approved premises**)—
  - (i) the Matthew Talbot Hostel at 22 Talbot Place, Woolloomooloo,
  - (ii) other premises nominated by St Vincent's Hospital Sydney and approved in writing by the Authority.
- (2) The Authority may require St Vincent's Hospital Sydney to provide information or documents that the Authority considers necessary for its proper consideration of premises nominated under subclause (1)(b)(ii).
- (3) In this clause—

**medical care provider** means a person who is a—

  - (a) medical practitioner, or
  - (b) pharmacist, or
  - (c) registered nurse, or
  - (d) nurse practitioner.

**trial managed alcohol program** means a program that—

  - (a) provides medical care to an adult to prevent or minimise harm associated with the adult's misuse or abuse of alcohol, and
  - (b) requires the preparation of an alcohol management plan for each adult participating in the program, and
  - (c) permits a medical care provider, or a person under the direction or supervision of a medical care provider, to supply liquor to an adult in accordance with the adult's alcohol management plan, and
  - (d) requires the liquor supplied to the adult to be consumed—
    - (i) on the approved premises, and
    - (ii) in accordance with the adult's alcohol management plan.
- (4) This clause is repealed on 1 June 2026.

**116 Exemption relating to cruise ships operating in coastal waters** (cf 2008 reg cl 70A)

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.

**117 (Repealed)**

**117A Exemption relating to trading hours for small bars on 31 December**

On 31 December in any year, the licensee of a small bar 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 for consumption on the licensed premises from the start of the standard trading period for that day until 2 am on the next succeeding day.

**118 (Repealed)**

**119 Exemption relating to sale or supply of liquor to staff members after closing time** (cf 2008 reg cl 70C)

- (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** includes any person engaged to provide entertainment or services on the licensed premises.

**120 Exception to offence by licensee of minor entering or being in bar area of hotel or club premises** (cf 2008 reg cl 33(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.

**121 Exceptions to requirement that hotel or on-premises licence cannot operate as invitation-only venues** (cf 2008 reg cl 71)

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**

**Column 1**

**Column 2**

**Business**

**Class/classes of persons**

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.

## **122 Exceptions to 6-hour closure requirement** (cf 2008 reg cl 78)

### **(1) Exception during period when special occasion late trading is authorised** If—

- (a) a special occasion extended trading authorisation is granted in respect of 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).

### **(2) 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.

### **(3) 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.

**122A Exceptions to primary purpose test**

- (1) **Existing on-licences under former Act** Section 22(2) of the Act does not apply in relation to the premises to which an on-premises licence relates if the licence is, as provided by Schedule 1 to the Act, a continuation of—
  - (a) an existing Governor’s licence, or
  - (b) an existing on-licence of the kind referred to in section 18(4)(g) of the former Act, or
  - (c) an existing Australian wine licence (as referred to in clause 15 of Schedule 1 to the Act).
- (2) **Food courts** Section 22(1) and (2) of the Act do not apply in relation to premises that are part of a food court.

**122B Exemption to requirement to maintain incident register**

- (1) The Act, section 56 does not apply to a licensee in a period during which a high-risk festival is being held at the relevant licensed premises if the licensee agrees each of the following, in advance of the festival and in writing, with the music festival organiser for the festival—
  - (a) the incident register required to be kept under the *Music Festivals Act 2019*, section 11 will be the only incident register kept in relation to the festival,
  - (b) the music festival organiser will, immediately after the festival, give the licensee a copy of the register.
- (2) The licensee must ensure the copy of the register is kept for at least 3 years from when the information was recorded in the register.
- (3) The licensee must, if requested to do so by a police officer or inspector—
  - (a) make the copy of the register immediately available for inspection by a police officer or inspector, and
  - (b) allow a police officer or inspector to take copies or to remove the copy of the register from the premises.

## Part 10 Miscellaneous

### 123 Designation of incentivised events—the Act, s 4(1)

For the Act, section 4(1), definition of *incentivised event*, paragraph (b), the Secretary may designate a live music performance or other arts or cultural event to be an incentivised event by publishing notice of the designation on a NSW Government website before the event occurs.

### 123A Relevant licences for cumulative impact assessments—section 72A of Act, definition of “relevant licence”

- (1) For the purposes of Division 5 of Part 4 of the Act, a relevant licence is any of the following licences—
  - (a) a hotel licence, other than a hotel licence used for the purpose of operating a tourist accommodation establishment,
  - (b) a club licence,
  - (c) an on-premises licence that relates to a public entertainment venue, other than a cinema, theatre or excluded live music and performance venue,
  - (d) an on-premises licence that is endorsed with an authorisation referred to in section 24(3) of the Act,
  - (e) a packaged liquor licence.

- (2) In this clause—

#### ***excluded live music and performance venue—***

- (a) means a music hall, concert hall, dance hall or other licensed premises or space with a market orientation towards live music, live performances or creative or cultural uses, but
- (b) does not include premises that do not provide significant employment for musicians, performers or artists.

### 123B Areas for cumulative impact assessment

A local government area, or a part of a local government area, mentioned in Schedule 3A is prescribed for the purposes of the definition of *area* in section 72B(3) of the Act.

### 124 Local liquor accords (cf 2008 reg cl 72)

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.

**125 Disciplinary action—persons authorised to make complaints** (cf 2008 reg cl 73)

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.

**126 Denial of allegation as to age** (cf 2008 reg cl 75)

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.

**127 Application for review of disqualification by Authority** (cf 2008 reg cl 77)

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 5.51 fee units.

**128 Metropolitan area—the Act, ss 35(6) and 66(6) definitions of “metropolitan area”**

Each of the following is prescribed to be a metropolitan area—

- (a) the Greater Sydney Region,
- (b) the local government areas of Central Coast, Lake Macquarie, Newcastle and Wollongong.

**129 Multi-occasion ETAs cannot be granted for metropolitan licensed premises** (cf 2008 reg cl 80A)

For the purposes of section 49B(2) of the Act, the metropolitan area specified in clause 128 is prescribed.

**130AA (Repealed)**

**130 Provisional approval of applications to change boundaries of licensed restaurants for outdoor dining purposes** (cf 2008 reg cl 80B)

- (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) (Repealed)
  - (c) the licensee or manager of the licensed restaurant has, in the previous 12 months, committed a demerit 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.

**130A Certain sound emissions not to be subject of disturbance complaint under Act**

For the purposes of section 79(6) of the Act, section 79 of the Act does not apply to a complaint in relation to sound that is emitted wholly from within licensed premises unless the complaint is made by a person referred to in section 79(3)(b) or (c) of the Act.

**130B Exemption for certain temporary boundary changes—the Act, s 159(4)**

- (1) The Act, section 94A extends to land as if it were relevant land if—

- (a) the land is adjacent to food and drink premises, and
  - (b) the use of the land as an outdoor dining area associated with the food and drink premises is exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Part 2, Division 1, Subdivision 20B or 20C, and
  - (c) the proposed change to the boundary of the licensed premises under this clause continues while the temporary boundary approval remains in force if the land use is exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Part 2, Division 1, Subdivision 20B or 20C.
- (2) Despite subclause (1), the Act, section 94(3) applies in relation to giving the Commissioner of Police a reasonable opportunity to make submissions and the taking of the submissions, if any, into consideration.
- (3) In this clause—

**food and drink premises** has the same meaning as in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

### **130C Exemption from certain noise conditions in special entertainment precincts**

- (1) This clause applies to licensed premises to which a special entertainment precinct plan applies.
- (2) A condition imposed under the Act limiting noise levels from the licensed premises, that is inconsistent with the special entertainment precinct plan ceases to have effect to the extent of the inconsistency.
- (3) In this clause—

**special entertainment precinct** has the same meaning as in the *Local Government Act 1993*, section 202.

**special entertainment precinct plan** means a plan prepared under the *Local Government Act 1993*, section 202(5).

## **Part 11 Savings, transitional and repeal**

### **131 Conversion of existing licences to small bar licences** (cf 2008 reg cl 70D)

- (1) In this clause—

**existing general bar licence** means a general bar licence in force immediately before the commencement of the *Liquor Amendment (Night Time Economy) Regulation 2019*.

**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 the [Liquor Amendment \(Night Time Economy\) Regulation 2019](#) 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 before 1 March 2021.
- (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 prescribed precinct.

### 132 Fees for former community liquor licences

- (1) In this clause, **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 [Liquor Act 2007](#).
- (2) **Licence transfer application fee** The fee payable for an application under section 60 or 61 of the Act to transfer a former community liquor licence is as follows—
  - (a) fixed component—nil,

- (b) processing component—1 fee unit,
  - (c) total—1 fee unit.
- (3) **Licence transfer endorsement fee** For the purposes of section 60A(3)(b) of the Act, a fee of 0.5 fee units is prescribed for a former community liquor licence.
- (4) **Base fee element of periodic licence fee** The base fee element of a periodic licence fee for a former community liquor licence is 1.64 fee units.
- (5) **Exemption from other elements of periodic licence fee** The following elements of a periodic licence fee are not payable for a former community liquor licence—
- (a) the trading hours risk loading element,
  - (b) the location risk loading element,
  - (c) the patron capacity loading element.
- (6) **Exemption from notice of change of patron capacity** Clause 14(4) does not apply to a former community liquor licence.
- (7) **Late payment fee for periodic licence fee** A late payment fee of 0.5 fee units is payable if a periodic licence fee for a former community liquor licence has not been paid before the expiration of 28 days after the due date for payment.

### **132A Extension of periodic licence fee due date for 2020**

- (1) In this clause—

**2020 periodic licence fee** means a periodic licence fee with an assessment date between 15 March 2020 and 14 March 2021.

- (2) The due date for the payment of a 2020 periodic licence fee means—

- (a) in relation to a part year licence—60 days after the day on which the Secretary sends a notice to the licensee liable to pay the fee under clause 15, and
- (b) in relation to any other licence—31 August 2020.

### **132B (Repealed)**

### **133 Savings**

Any act, matter or thing that, immediately before the repeal of the [Liquor Regulation 2008](#), had effect under that Regulation continues to have effect under this Regulation.

### **134 Repeal**

The [Liquor \(Adjustable Fee Amounts\) Notice](#) is repealed.

**135 Transitional provision consequent on Gaming Machines and Liquor Amendment (Harm Minimisation Measures) Regulation 2024—the Act, s 159(4)**

- (1) This clause applies in relation to a hotelier or registered club whose hotel licence or club licence is, at the commencement of this clause, subject to one or more of the following conditions—
  - (a) a responsible gambling officer condition,
  - (b) a gambling incident register condition,
  - (c) a gaming plan of management condition.
- (2) If one of the following provisions of the *Gaming Machines Regulation 2019* applies to the hotelier or registered club, the corresponding condition of the licence is taken not to apply for the purposes of the Act—
  - (a) clause 50B—a responsible gambling officer condition,
  - (b) clause 50K—a gambling incident register condition,
  - (c) clause 50P—a gaming plan of management condition.
- (3) If an inconsistency between an existing licence condition and one of the following provisions of the *Gaming Machines Regulation 2019* exists, the provision of the *Gaming Machines Regulation 2019* prevails to the extent of the inconsistency—
  - (a) clause 50B,
  - (b) clause 50K,
  - (c) clause 50P.
- (4) In this clause—

**existing licence condition** means a condition of a licence in force at the commencement of this clause.

**gambling incident register condition** means a condition requiring a licensee to have a gambling incident register of a kind referred to in the *Gaming Machines Regulation 2019*, clause 50K and includes a condition imposing duties and responsibilities in relation to the gambling incident register.

**gaming plan of management condition** means a condition requiring a licensee to have a gaming plan of management of a kind referred to in the *Gaming Machines Regulation 2019*, clause 50P and includes a condition imposing duties and responsibilities in relation to the gaming plan of management.

**responsible gambling officer condition** means a condition requiring a licensee to have responsible gambling officers of a kind referred to in the *Gaming Machines*



*Regulation 2019*, clause 50B and includes a condition imposing duties and responsibilities in relation to the responsible gambling officers.

(5) This clause is repealed 2 years after the date on which the clause commences.

## Schedule 1 Fees

(Clause 4)

### Part 1 Licence applications

Column 1	Column 2	Column 3	Column 4
Type of licence	Fixed component (in fee units)	Processing component (in fee units)	Total (in fee units)
Hotel licence (other than general bar licence)	15	12.52	27.52
General bar licence	3	4.7	7.7
Club licence	1	4.5	5.5
Small bar licence	1.5	2.35	3.85
On-premises licence	3	4.7	7.7
Packaged liquor licence	10	12.01	22.01
Producer/wholesaler licence	3	4.7	7.7
Producer/wholesaler licence made in conjunction with an application for a special drink on-premises authorisation	1.5	2.35	3.85
Limited licence (single function) (made by means of an electronic system approved by the Authority)	Nil	0.88	0.88
Limited licence (single function) (made otherwise than by means of an electronic system approved by the Authority)	Nil	1.65	1.65
Limited licence (multi-function)	1	4.5	5.5
Limited licence for large-scale commercial event (application under clause 38)	Nil	6.5	6.5
Limited licence in respect of a function that is a trade fair (application not under clause 38)	Nil	1.65	1.65
Limited licence for special event (application not under clause 38)	Nil	1.65	1.65

Pop-up licence	Nil	1.65	1.65
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## Part 2 Applications for extended trading authorisations

Column 1	Column 2	Column 3	Column 4
Type of authorisation	Fixed component (in fee units)	Processing component (in fee units)	Total (in fee units)
Ongoing extended trading authorisation allowing trading until midnight	1	2.3	3.3
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)	1	2.3	3.3
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)	15	12.52	27.52
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)	25	13.52	38.52
Ongoing extended trading authorisation for an on-premises licence relating to a catering service	Nil	1.1	1.1
Special occasion extended trading authorisation	Nil	1.1	1.1
Ongoing extended trading authorisation for a small bar	7.5	6.26	13.76
Multi-occasion extended trading authorisation—			

(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	1.62	1.62
(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	5	5.82	10.82

### Part 3 Other applications

Column 1	Column 2	Column 3	Column 4
Type of application	Fixed component (in fee units)	Processing component (in fee units)	Total (in fee units)
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)	1	2.3	3.3
Application under section 15A(2) for approval to cease selling liquor and to continue to provide other services and facilities	Nil	4.4	4.4
Application by hotelier under section 14(6) for authorisation to sell liquor on other premises for large-scale commercial event (see clause 38)	Nil	4.5	4.5
Application by hotelier under section 14(6) for authorisation to sell liquor on other premises not for large-scale commercial event	Nil	1.1	1.1

Application to vary on-premises licence—section 23(5)	Nil	1.1	1.1
Application under section 46A to suspend licence or to vary or revoke licence suspension	Nil	2.16	2.16
Application for any licence-related authorisation (other than an extended trading authorisation)—section 51(2)	Nil	1.1	1.1
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	1.1	1.1
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	1	2.3	3.3
(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	1	2.3	3.3
(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	15	12.52	27.52
(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)	25	13.52	38.52
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	1.1	1.1
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	7.5	6.26	13.76

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 or packaged liquor licence	3	4.7	7.7
Application under section 60 or 61 to transfer limited licence	Nil	1.1	1.1
Application under section 60 or 61 to transfer any other type of licence	2	2.4	4.4
Application under section 62 to carry on licensee's business	Nil	1.1	1.1
Application under section 68 for approval of person to manage licensed premises	Nil	1.1	1.1
Application under section 78 (other than by the Secretary or the Commissioner of Police) for banning order	Nil	1.1	1.1
Application under section 92 for approval to lease or sublease part of licensed premises	Nil	1.1	1.1
Application under section 94 to change boundaries of licensed premises	Nil	2.2	2.2
Application under section 94B to permanently change boundaries of outdoor space of licensed premises	Nil	1	1
Application under section 95 to alter name of licensed premises	Nil	1.1	1.1
Application under section 96 to carry on business on temporary premises	Nil	1.1	1.1
Application under section 122A(1) for a minors authorisation for a small bar licence	0	1.1	1.1
Application under section 144ZC(2) to remove a category 1 demerit point	Nil	4.92	4.92
Application under section 144ZD(1) to remove a demerit point	Nil	4.92	4.92
Application under section 27(3), 28(3), 92(1)(a), 119 or 124(3)(c) for Authority's approval	Nil	1.1	1.1

**Note—**

The application fees for the variation 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 Adjustment of fees for inflation

### 1 Definitions

In this Part—

**CPI number** means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

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

### 2 Calculation of fee unit for purposes of Regulation

(1) For the purposes of this Regulation, a **fee unit** is—

(a) in the fee years 2018-19 and 2019-20—\$100, and

(b) in each subsequent fee year—the amount calculated as follows—

$$\$100 \times A/B$$

where—

**A** is the CPI number for the December quarter in the fee year immediately preceding the fee year for which the amount is calculated.

**B** is the CPI number for the December quarter of 2018.

(2) The amount of a fee unit is to be rounded to the nearest cent (and an amount of 0.5 cent is to be rounded down).

(3) However, if the amount of a fee unit calculated for any fee year is less than the amount that applied for the previous fee year, then the amount for that previous fee year applies instead.

#### Editorial note—

Fee unit amount calculated under this clause—

Fee year	Fee unit amount
2020-21	\$101.65
2021-22	\$102.43
2023-24	\$113.63
2024-25	\$118.40

### **3 Rounding of fee amounts**

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar (and an amount of 50 cents is to be rounded up).

### **4 Notice of indexed fees**

- (1) As soon as practicable after the CPI number for the December quarter is first published by the Australian Statistician, the Secretary is required to—
  - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next fee year so that notice of that amount can be published on the NSW legislation website, and
  - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each fee year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.

## **Schedule 2 Prescribed precincts**

(Section 116C(1) of the Act)

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

### **Part 1 Kings Cross precinct**

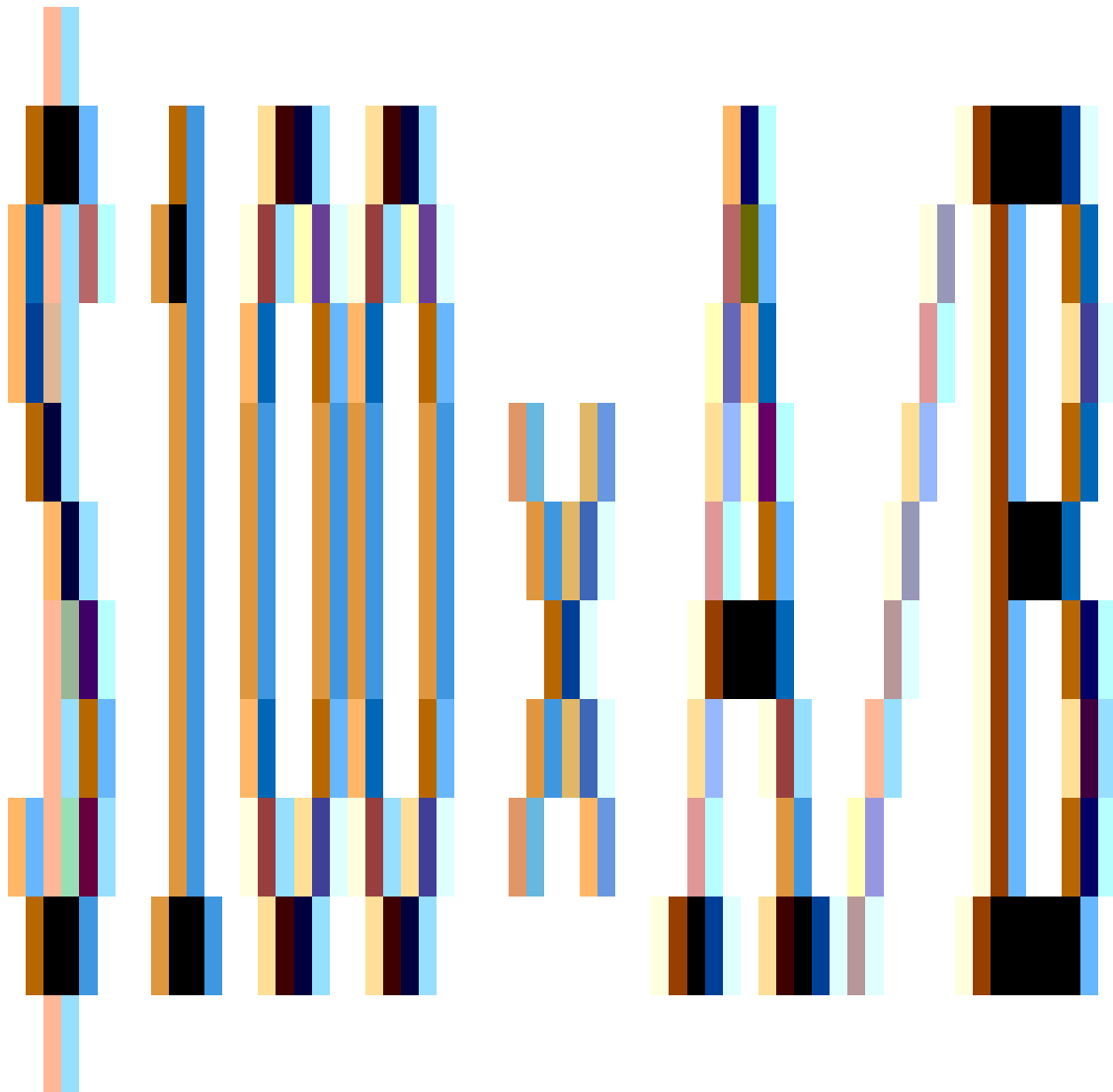
That precinct described in Schedule 2 to the Act.

### **Part 2 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 with Liquor & Gaming NSW, but not including the area within the Kings Cross precinct.

#### **Note—**

An illustration of the map is as follows—





## Schedule 3 High risk venues and high risk venue exceptions

(Section 116B(2)(b) and (3) of the Act)

### 1 High risk venues

The licensed premises to which any of the licences referred to in Division 1 of a Part of this Schedule relate are high risk venues for the purposes of Division 4 of Part 6 of the Act.

### 2 High risk venue exceptions

The licensed premises to which any of the licences referred to in Division 2 of a Part of this Schedule relate are not high risk venues for the purposes of Division 4 of Part 6 of the Act.

### 3 Change of name does not affect listing as high risk venue or high risk venue exception

Any change of name of licensed premises as referred to in this Schedule (whether before, on or after the commencement of this Regulation) does not affect the application of this Schedule to the licence for those premises.

## Part 1 Kings Cross precinct

### Division 1 High risk venues

Licence number	Name of licensed premises
LIQO624013096	Bada Bing Night Spot
LIQO600432026	Thai Rock
LIQH400103255	Wonderland
LIQO624006680	Candy's Nightclub
LIQO624013697	Velvet Underground Potts Point
LIQO624012240	Dancers Cabaret
LIQO624006535	The Club Sydney
LIQH424006058	First Empire Hotel
LIQO624009263	Flamingo Lounge Disco
LIQO600402925	Geisha Holdings No32 Pty Ltd
LIQH400103816	Holey Moley
LIQH400102909	New Hampton Pty Ltd
LIQO624006713	Dollhouse Nightspot
LIQO624006254	Luna Nightclub
LIQH400103719	Mansions Hotel

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LIQH400105908	O'Malleys Hotel
LIQH400104731	Piccadilly Hotel
LIQH400106750	Potts Point Hotel
LIQO624006715	Sapphire 2.0
LIQO624002107	Showgirls
LIQH400101244	The Bank Hotel Sydney
LIQH400110111	The Bourbon
LIQH400106742	The Crest Hotel
LIQH400103247	The Kings Cross Hotel
LIQO624006734	Tunnel Nightclub
LIQH400100809	Vegas Hotel

## Division 2 High risk venue exceptions

<b>Licence number</b>	<b>Name of licensed premises</b>
LIQO624005728	Chula Sydney
LIQO624005737	Crescent on Bayswater
LIQO624015436	Larmont Hotel
LIQO624003465	Holiday Inn Potts Point
LIQO624001880	Miss G's
LIQO624015303	Little Square Sydney
LIQO600404049	El Cubano
LIQO660010450	The Antipodean Restaurant and Bar

## Part 2 Sydney CBD Entertainment precinct

### Division 1 High risk venues

<b>Licence Number</b>	<b>Name of licensed premises</b>
LIQH400115709	1821 Hotel
LIQO624006319	77 Nightclub
LIQO624008450	All Hands Brewhouse and Restaurant
LIQH400103239	Ambar Bar
LIQH440010073	Appetito Pizzeria & Bar

LIQO600462839	Argyle Tavern
LIQH400106688	Artwork in Progress
LIQH400110154	ARQ Sydney
LIQH400104243	Babylon Restaurant and Garden Bar
LIQH400103387	Bar 333
LIQO624008448	Bar Brose Dining
LIQH400101163	Bar Century
LIQH400104049	Bar Luca
LIQH424009187	Barrio Cellar
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
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
LIQH400100604	Hotel Downing
LIQH400103654	Hotel Harry
LIQH400102399	Hotel Sweeney's
LIQH400104200	Hyde Park House

LIQH400102283	Ivy
LIQH400104766	Jacksons on George
LIQO624014889	K Square Karaoke
LIQO624015081	K1 Karaoke Lounge
LIQH400101252	Kent St. Hotel
LIQH400106262	Kinselas Hotel
LIQH400122470	Kittyhawk
LIQO660010294	Lantern By Wagaya
LIQH400108613	Laughing Buddha Bar
LIQH400105940	Le Pub
LIQO624006625	Limelight on Oxford
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
LIQO624006286	Miind Nightclub
LIQH400102941	Mountbatten Hotel
LIQH400101864	Mr B's Hotel
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
LIQH424007134	Pontoon Bar
LIQH400121709	QT Sydney
LIQO624007139	Quay Bar
LIQH400105606	Ryan's Bar
LIQO624006549	Salon de Thé Restaurant
LIQH400110480	Sanctuary Hotel
LIQH440010015	Scary Canary
LIQH400110200	Scruffy Murphy's Hotel
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
LIQH400100671	Stilo Bar Deli Cafe
LIQH424006252	Stonewall Hotel
LIQH400105819	Strand Hotel
LIQO624015145	Strike KSW
LIQH400104154	Surry Hills Hotel
LIQH400104162	Swine and Co
LIQH400100035	Sydney Hilton Hotel

LIQH400105894	Syds Champagne Bar
LIQH400102534	The 3 Wise Monkeys Pub
LIQH400100868	The Albion Place Hotel
LIQH400100191	The Argyle Sydney
LIQH400102038	The Arthouse Hotel
LIQH400100418	The Basement
LIQO624009952	The Bavarian Beerhaus
LIQH440010080	The Baxter Inn
LIQH400100558	The Beresford Hotel
LIQH424009949	The Blacket Hotel
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
LIQH400105681	The Porterhouse
LIQH400106203	The Republic Hotel
LIQC300230120	The Rugby Club Foundation Limited
LIQO624013867	The Scary Canary
LIQH400104138	The Sussex Hotel
LIQH424006304	The Vault Bar
LIQO624006970	The Velvet Underground Sydney
LIQH400106246	The Verandah Bar & Bistro

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LIQH400104987	Triple 8 Hotel
LIQH400104383	Universal Hotel
LIQH400105533	V Bar Sydney
LIQH400103646	Woolloomooloo Bay Hotel

## Division 2 High risk venue exceptions

<b>Licence number</b>	<b>Name of licensed premises</b>
LIQO600400396	360 Degrees Bar & Dining Room
LIQO624007411	6 Head (1788)
LIQO624008623	Adria Bar Restaurant
LIQH424008103	Amora Hotel Jamison Sydney
LIQO624013506	Appethai Restaurant
LIQO624007948	Aria Restaurant
LIQO660010214	Arisun 34
LIQO624006375	At Bangkok
LIQC300225313	Australian Club
LIQO624007233	Blackbird Cafe Restaurant
LIQO660010032	Bopp & Tones
LIQO624001282	Cafe Museum
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
LIQC324008772	Dugout Bar and Restaurant
LIQO624006171	East Ocean Restaurant
LIQO600495877	Emperors Garden Restaurant
LIQO600432077	Employees Only Sydney
LIQO624005706	Fratelli Alfresco
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
LIQO624013898	Hotel Lobby
LIQH400103476	Hyatt Regency Sydney
LIQO624002320	Indigo Restaurant
LIQH400116152	Intercontinental Sydney
LIQO624009855	Jamie's Italian by Jamie Oliver
LIQO600487858	Jang Po
LIQO624003705	Law Society of NSW
LIQO624006386	Low302
LIQO624009653	Manjits @ the Wharf
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
LIQO600779774	Opera Bar
LIQO624014728	Ottoman Cuisine
LIQO600411908	Pancakes On The Rocks
LIQH424002828	Park Hyatt Sydney
LIQH400102631	Park Royal Darling Harbour, Sydney
LIQO624013679	Parliament of New South Wales
LIQO600408400	Patron Restaurant by Rockpool
LIQO624004022	Pearl by Lotus

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
LIQO660010178	Spice Temple
LIQH424007933	Swissotel Sydney on Market Street
LIQH400101767	Sydney Harbour Marriott
LIQO624014046	Sydney Madang Restaurant
LIQO600780918	Sydney Town Hall
LIQO624005645	Sydney Town Hall
LIQO624008962	Tailored Events
LIQC300230678	Tattersalls Club
LIQO624015157	The Art Gallery of New South Wales

LIQO624012964	The Bulgogi Sydney CBD
LIQC300226328	The Catholic Club Ltd
LIQO660011131	The Cuban Place
LIQH400118074	The Grace Hotel
LIQO624012349	The DYC Sydney
LIQH424013942	The Mercure Hotel Sydney
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 Caffe
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

### **Schedule 3A Areas for cumulative impact assessments**

City of Sydney local government area

### **Schedule 4 Licensed premises subject to liquor sales cessation restrictions**

clause 90(2)(f)

### **Part 1 Kings Cross precinct**

(When this Regulation was made this Part was blank)

## Part 2 Sydney CBD Entertainment precinct

Licence number	Premises or part of premises
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 5 Special events extended trading for hotels and clubs

(Section 13 of the Act)

For a special event specified in Column 1 of the table below, the period specified in Column 2 is prescribed as a period during which liquor may be sold or supplied for consumption on the premises to which a hotel or club licence relates.

If a class of hotel or club premises is specified in Column 3 in relation to a special event, the extended trading period only applies to that class of hotel or club premises.

Column 1	Column 2	Column 3
<b>Special event</b>	<b>Extended trading period</b>	<b>Class of hotel or club premises to which extended trading period applies</b>

ICC Men's One Day International World Cup 2023—Semi-Final 1	Midnight on Wednesday 15 November 2023 to 4am on Thursday 16 November 2023	Hotel or club premises providing a live broadcast of the match before or during the extended trading period
ICC Men's One Day International World Cup 2023—Semi-Final 2	Midnight on Thursday 16 November 2023 to 4am on Friday 17 November 2023	Hotel or club premises providing a live broadcast of the match before or during the extended trading period
ICC Men's One Day International World Cup 2023—Final	10pm on Sunday 19 November 2023 to 4am on Monday 20 November 2023	Hotel or club premises providing a live broadcast of the match before or during the extended trading period

## Schedule 6 Penalty notice offences

For the purposes of section 150 of the Act—

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under the Act</b>	
Section 7(1)	\$1,100
Section 8(1)	\$1,100
Section 8(2)	\$55
Section 9	\$1,100
Section 11(2)	\$1,100
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

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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
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 114B—	
(a) in the case of a corporation	\$2,750
(b) in the case of an individual	\$550
Section 114C—	

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(a) in the case of a corporation	\$2,750
(b) in the case of an individual	\$550
Section 114D—	
(a) in the case of a corporation	\$2,750
(b) in the case of an individual	\$550
Section 114H	\$1,100
Section 114I(1)	\$550
Section 114J	\$550
Section 114K(1)	\$330
Section 114L(1)	\$1,100
Section 114M(1)	\$330
Section 114M(2)	\$330
Section 114M(3)	\$330
Section 114N(2)	\$550
Section 114O(3)	\$330
Section 114O(4)	\$330
Section 114P(1)	\$550
Section 116F(5)	\$550
Section 116G(8)	\$2,200
Section 117(1), (2), (4), (6) or (8)	\$1,100
Section 117(5B)	\$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

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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
<b>Offences under this Regulation</b>	
Clause 50(1)	\$220
Clause 51(1)	\$220
Clause 52(2)	\$220
Clause 53(1), (2) or (3)	\$220
Clause 54(1) or (2)	\$220
Clause 63(1)—	
(a) if the licensed premises are in a prescribed precinct	\$440
(b) if the licensed premises are not in a prescribed precinct	\$220
Clause 63(2), (3), (4) or (5)	\$1,100
Clause 64(1)—	
(a) if the licensed premises are in a prescribed precinct	\$440
(b) if the licensed premises are not in a prescribed precinct	\$220
Clause 64(2)	\$550
Clause 65(1)—	
(a) if the licensed premises are in a prescribed precinct	\$440
(b) if the licensed premises are not in a prescribed precinct	\$220
Clause 65(2)	\$550
Clause 75(2)	\$55



Clause 76(8)	\$550
Clause 76(9)	\$220
Clause 84(4)	\$1,100