



New South Wales

Liquor Amendment (Miscellaneous) Regulation 2019

under the

Liquor Act 2007

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 2007*.

PAUL TOOLE, MP
Minister for Racing

Explanatory note

The objects of this Regulation are:

- (a) to provide for the grant of pop-up licences, and
- (b) to make further provision with respect to the competency card endorsements that are required for certain licensees and managers.

This Regulation is made under the *Liquor Act 2007*, including sections 10 (1) (g), 11 (1) (b), 41 (3), 45 (4) and 159 (the general regulation-making power).

Liquor Amendment (Miscellaneous) Regulation 2019

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Liquor Act 2007

1 Name of Regulation

This Regulation is the *Liquor Amendment (Miscellaneous) Regulation 2019*.

2 Commencement

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

Schedule 1 Amendment of Liquor Regulation 2018

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

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

[2] Clauses 6 (b) and 30 (4) (a)

Insert “or a pop-up licence” after “limited licence” wherever occurring.

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

Insert after clause 21 (5) (a):

(a1) a pop-up licence, or

[4] Part 4, Division 2A

Insert after Division 2 of Part 4:

Division 2A Pop-up licences

48A Definitions

In this Division:

Night-time economy map—see clause 48E.

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

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

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.

trial area means an area identified on the Night-time economy map as an area in which pop-up licences may be granted.

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 authorises the licensee to sell or supply liquor on the licensed premises for consumption on the licensed premises within the trial area 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.

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 or event will have a social or economic benefit for the community in the trial area by:
 - (i) encouraging more diverse and vibrant social, cultural or business activities after 6 pm on the days of the pop-up bar or event, or
 - (ii) increasing the activation of, or revitalising, local places and spaces in the trial area.
- (2) The Authority may grant a pop-up licence for a period of up to 6 weeks and must specify in the licence the day or days on which the pop-up bar or event may operate under the licence during that period.
- (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 or event is not temporary or infrequent having regard to any other pop-up licence granted for substantially the same purpose in close proximity to the proposed licensed premises (whether or not to the same applicant).
- (4) A pop-up licence (event) is not to 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.
- (3) Liquor may only be sold or supplied under a pop-up licence if notice, in the manner and form approved by the Secretary, has been given to the local police at least 14 days before the day on which liquor is proposed to be sold or supplied under the licence.

48E Trial area for pop-up licences

- (1) In this Division, *Night-time economy map* means the map identifying the areas in which pop-up licences may be granted:
 - (a) adopted by the Secretary, with the concurrence of the Minister, and
 - (b) published on a publicly accessible Government website.

- (2) The Night-time economy map may only identify land in the following local government areas as areas in which pop-up licences may be granted:
 - (a) City of Liverpool,
 - (b) City of Sydney,
 - (c) City of Parramatta,
 - (d) Inner West.
- (3) The Secretary may, with the concurrence of the Minister, amend or replace the Night-time economy map from time to time.

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.

[5] Clause 62 Definitions

Insert after paragraph (g) (vi) of the definition of *tier 1 licence* in clause 62 (1):

- (vii) a public arena,
- (viii) a racing facility,
- (ix) a sport facility.

[6] Clause 62 (1), definition of “tier 2 licence”

Insert after paragraph (b) (v) (D) of the definition:

- (E) a catering service,
- (F) a public arena,
- (G) a racing facility,
- (H) a sport facility.

[7] Clause 62 (1), definition of “tier 2 licence”

Omit paragraph (b) (vi).

[8] Clause 63 Requirements to sell, supply or serve liquor by retail on licensed premises

Omit clause 63 (3)–(6). Insert instead:

(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.

(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*.

[9] Clause 66 Requirements to become a licensee or manager of tier 1 licensed premises or tier 2 licensed premises

Omit clause 66 (1) (e) and (2) (e).

[10] Clause 83 Transitional provisions

Omit “63 (4) and (5)” from clause 83 (2).

Insert instead “63 (3) (b) and (c) and (4) (b) and (c)”.

[11] Clause 83 (3)

Omit “63 (4), 66 (1) and 67 (1)”. Insert instead “63 (3) (b) and (4) (b) and 66 (1) (c)”.

[12] Clause 83 (4)

Omit “63 (5), 66 (2) and 67 (2)”. Insert instead “63 (3) (c) and (4) (c) and 66 (2) (c)”.

[13] Clause 83B

Insert after clause 83A:

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.

[14] Schedule 1 Fees

Insert in appropriate order at the end of Part 1:

Pop-up licence	Nil	1.65	1.65
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