



New South Wales

Liquor Amendment (Miscellaneous) Regulation 2018

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 as follows:

- (a) to make further provision with respect to training courses for the responsible service of alcohol and related activities,
- (b) to further provide for the late payment of a licence fee in certain circumstances,
- (c) to allow micro-breweries and small distilleries to operate in the Newcastle area under a special drink on-premises authorisation,
- (d) to ensure small bars may trade on New Year's Eve and until 2 am on New Year's Day each year,
- (e) to make other minor amendments, including amendments as a consequence of the *Statute Law (Miscellaneous Provisions) Act (No 2) 2018*.

This Regulation is made under the *Liquor Act 2007*, including sections 58A, 99 (2), 114A (definitions of **approved training course**, **approved training provider**, **recognised competency card** and **training course**), 150 and 159 (the general regulation-making power).

Liquor Amendment (Miscellaneous) Regulation 2018

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Liquor Act 2007

1 Name of Regulation

This Regulation is the *Liquor Amendment (Miscellaneous) Regulation 2018*.

2 Commencement

This Regulation commences on 21 December 2018 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Liquor Regulation 2018

[1] Clause 7 Approved training course fees

Omit clause 7 (1) and (2). Insert instead:

- (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
5	Fee payable by applicant to become approved training provider of approved training course:	
	(a) for a first approval	14.5
	(b) for a second or subsequent approval	8
6	Fee payable by approved training provider for additional approval to provide training course online:	
	(a) for a first approval	14.5
	(b) for a second or subsequent approval	6.5

- (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.

[2] Clauses 15 Notice of periodic licence fee payable

Insert at the end of clause 15 (2) (c):

, and

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

[3] Clause 19A

Insert after clause 19:

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.

[4] Clauses 36 (7) (b), 63 (1)–(3), 64 (1) and (2), 65 (1) and (2), 70, 72 (1) (a), 73 and 80 (2) (b) (i)

Omit “industry” wherever occurring.

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

Insert “and the Newcastle local government area” after “Inner West local government area” in clause 37 (3).

[6] Clauses 52 (3), 53 (2), 54 (4) and 115 (2) (b)

Omit “free of charge” wherever occurring.

[7] Part 5, heading

Insert “and other activities” after “(RSA)”.

[8] Part 5, Division 1, heading

Omit “**Interpretation**”. Insert instead “**Preliminary**”.

[9] Clause 62 Definitions

Omit the definitions of *advanced licensee RSA endorsement*, *advanced licensee RSA training course*, *approved RSA refresher course*, *course provider*, *industry RSA endorsement*, *industry RSA refresher course*, *industry RSA training course*, *interim certificate*, *licensee RSA endorsement*, *licensee RSA training course* and *recognised competency card* from clause 62 (1).

Insert in alphabetical order:

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.

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.

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.

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

Insert after paragraph (g) (v):

- (vi) a catering service.

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

Omit “after midnight” from paragraph (b). Insert instead “between 2 am and 5 am”.

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

Insert at the end of paragraph (b) (v):

- (vi) a catering service,

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

Insert “that is regularly used” after “facility” in paragraph (c) (i).

[14] Clause 62A

Insert after clause 62:

62A Prescribed training courses

For the purposes of section 99 (2) (c) of the Act, the following training courses are prescribed:

- (a) an RSA training course,
- (b) an RSA refresher course,
- (c) a licensee training course,
- (d) an advanced licensee training course,
- (e) a privacy training course.

[15] Part 5, Division 2, heading

Omit “RSA”. Insert instead “Training”.

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

Insert “61 or” after “section” in clause 63 (6) (a).

[17] Clause 63 (6) (c)

Insert at the end of clause 63 (6) (b):

, or

- (c) a person to whom a licence is transferred under a provisional approval to transfer the licence under section 60 of the Act that is in force.

[18] Clause 64 Requirements for crowd controllers and bouncers

Omit clause 64 (3) and (4).

[19] Clause 65 Requirements for RSA marshals

Omit clause 65 (3) and (4).

[20] Clauses 66, 67, 68, 69, 72 (1) (b) and (c), 73 (2) (c), 79 (1) and 80 (2) (b) (ii)

Omit “RSA” wherever occurring.

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

Insert after clause 66 (2):

- (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.

[22] Clause 70 Licensee endorsement includes RSA endorsement

Omit “RSA” where secondly occurring.

[23] Clause 71 Interim certificates

Omit clause 71 (1). Insert instead:

- (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.

[24] Clause 72 Issue of recognised competency card with endorsements

Omit “a card (a *recognised competency card*)” from clause 72 (1).

Insert instead “a recognised competency card”.

[25] Clause 73 Expiry of recognised competency card endorsements

Omit “RSA” from clause 73 (1) (b) (ii) where secondly and thirdly occurring.

[26] Clause 74 Renewal of recognised competency card endorsements

Omit the table to clause 74 (1). Insert instead:

Column 1	Column 2
Endorsement that has expired	Course to renew endorsement
RSA endorsement	(a) an RSA training course, or (b) a licensee training course, or (c) an RSA refresher course
licensee endorsement	a licensee training course
advanced licensee endorsement	an advanced licensee training course
RCG endorsement	an approved RCG training course

[27] Clause 76 Suspension or revocation of recognised competency card endorsements

Omit “an approved RSA training course, industry RSA refresher course or a privacy training course” from clause 76 (2) (d).

Insert instead “a training course”.

[28] Clause 76 (11)

Omit “64 (2)–(4), 65 (2)–(4)”. Insert instead “64 (2), 65 (2)”.

[29] Part 5, Division 4, heading

Omit “RSA”.

[30] Clause 77

Omit the clause. Insert instead:

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.

[31] Clause 78 Additional approval to provide particular training courses online

Omit clause 78 (1). Insert instead:

- (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.

[32] Clause 78 (2)

Omit the subclause.

[33] Clause 78 (5) (a)

Omit “approved RSA”.

[34] Clause 78 (6)

Omit “with respect to the responsible service of alcohol”.

[35] Clause 80 Conditions of approvals to provide training courses

Omit “an approved RSA training” wherever occurring. Insert instead “a training”.

[36] Clause 80 (2)

Omit “the approved RSA training”. Insert instead “the training”.

[37] Clause 81 Term of approval to provide training courses

Omit “RSA” from clause 81 (1).

[38] Clause 82 Variation, suspension and cancellation of approvals of approved training providers

Omit clause 82 (1). Insert instead:

- (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.

[39] Clause 83 Transitional provisions

Omit “64 (3) and (4), 65 (3) and (4),” from clause 83 (2).

[40] Clause 83 (3)

Omit “64 (3), 65 (3),”.

[41] Clause 83 (4)

Omit “64 (4), 65 (4),”.

[42] Clause 83A

Insert after clause 83:

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*.

[43] Clause 94 Requirement for RSA marshals during supervised trading period

Omit clause 94 (1) (b). Insert instead:

- (b) the following subject premises situated in the Kings Cross precinct, but only if liquor is authorised to be sold for consumption on the premises:
- (i) a hotel (including the premises to which a general bar licence relates),
 - (ii) club premises,
 - (iii) a licensed public entertainment venue (other than a cinema) or licensed karaoke bar,
 - (iv) a licensed restaurant in respect of which an authorisation under section 24 (3) of the Act is in force.

[44] Clause 96 “Round the clock” incident register

Omit clause 96 (5) (b) (ii). Insert instead:

- (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).

[45] Clause 117A

Insert after clause 117:

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.

[46] Schedule 1, heading

Omit the heading. Insert instead “**Fees**”.

[47] Schedule 6 Penalty notice offences

Omit “Clause 64 (2), (3) or (4)” from Column 1 under the heading **Offences under this Regulation**.

Insert instead “Clause 64 (2)”.

[48] Schedule 6

Omit “Clause 65 (2), (3) or (4)” from Column 1 under the heading **Offences under this Regulation**.

Insert instead “Clause 65 (2)”.