

Liquor licensing is a requirement for any business or person engaged in the trade, supply or service of alcohol. In New South Wales, the Liquor Act 2007 (NSW) governs the liquor licence application process and requirements.



Liquor Licensing is a mandatory requirement for those who intend to sell alcohol to the public. In New South Wales, liquor licensing is governed by the New South Wales government through Liquor & Gaming NSW, which sits within the NSW Department of Industry. Applications may be made online, or by submitting physical forms to Liquor & Gaming NSW.

### **A. RESPONSIBLE SERVICE OF ALCOHOL**

In order to be eligible for a liquor licence, it is a requirement under New South Wales liquor laws that persons who serve and handle alcohol must be trained. This training is known as responsible service of alcohol ("RSA"). People who would need to do RSA training include licensees, managers, staff involved in the sale, supply and service of alcohol and even volunteers who have liquor responsibilities. These people must always carry a valid RSA competency card (in physical or digital form) while they are working. An RSA Course usually runs for half a day in face-to-face attendance, and can now be conducted online.

### **B. TYPES OF LIQUOR LICENCE**

There are seven types of Liquor licence. These include:

1. On-premises licence
2. Hotel licence
3. Club licence
4. Packaged liquor licence
5. Producer / wholesale licence
6. Limited licence
7. Small bar licence

This article will focus primarily on "on-premises licences", being those which apply to restaurants, catering series, accommodation venues, and public entertainment venues.

### **C. ON-PREMISES LICENCE**

An on-premises liquor licence allows you to sell alcohol in conjunction with another product or service that is sold. Examples of on-

premises liquor activities that would require a liquor licence would include restaurants, cafes, accommodation venues (like 'bed & breakfasts', motels), catering services, function centres and public entertainment venues.

An on-premises liquor licence does not allow the licence holder to sell alcohol as a takeaway item ie. to remove purchased alcohol from the premises. Alcohol must be consumed on the premises. Free drinking water must be provided at venues with an on-premises liquor licence. Further, if the licensed premises is a restaurant, food must be served as well as alcohol. Other conditions include having an incident register at the premises to detail any incidents (mandatory for premises that trade past midnight). Your liquor licence details must also be displayed at the front of the premises.

The test used to ascertain whether an on-premises liquor licence will be granted is whether the primary purpose of the business at the licensed premises is to sell or supply alcohol. If the primary purpose of the business is to sell or supply alcohol, a different licence would need to be obtained. There are a few exceptions to this test, including tertiary institutions and airports. It should also be noted that liquor signage is mandatory and must be displayed wherever alcohol is sold at the licence premises. The mandatory signage is available for purchase from Liquor & Gaming NSW.

#### **C.1. INTERIM RESTAURANT AUTHORISATIONS**

A restaurant or café may immediately begin serving liquor after lodging a liquor licence application online under an interim restaurant authorisation, provided they meet certain conditions.

These conditions include:

- Having standard trading hours (i.e. 5am to midnight Monday to Saturday, and 10am to 10pm on Sunday);
- The local council and community are informed of the intention to serve alcohol, and planning approval to use the premises as a restaurant or café has been obtained; and
- No other authorisations have been applied for.



## **C.2. LIQUOR LICENSING FREEZE**

Liquor licenses generally have limitations on trading hours of the premises. In addition to this, some parts of New South Wales may fall under prescribed freeze precincts, which are areas where no liquor licences can be granted to businesses (including hotels, general bars, nightclubs, liquor stores) owing to the significant number of late trading licensed venues and high levels of alcohol related crime in that area.

While it was previously anticipated that the freeze would be lifted by the end of 2012, the liquor licence freeze in the Sydney CBD is being continued until 1 June 2018. The extended liquor licence freeze includes the following refinements:

- Venues now have more flexibility to receive permission to refurbish and renovate their premises, as long as the maximum number of customers allowed to enter does not increase; and
- Bars using a small bar licence with a maximum patron capacity of 100 people, restaurants and producer/wholesalers are no longer subject to the freeze.

The main objective of this liquor licence freeze is to prevent alcohol related violence and disturbance in these high impact venues.

## **D. COSTS OF LIQUOR LICENCES**

A standard on-premises licence costs \$700.00. There is also an annual liquor licence fee to be paid by every holder of a New South Wales liquor licence.

The fee is calculated based on several factors such as trading hours, patron capacity and location. There are different base fees for different types of liquor licences (e.g. the base fee for a club licence is \$532.00, and \$426.00 for an on-premises licence).

## **E. COMMUNITY IMPACT STATEMENTS**

Applications which are for public entertainment venues other than a cinema or theatre require a community impact statement to accompany their liquor licence application. A community impact statement is necessary so that the New South Wales government can ascertain the impact that the granting of the licence would have on the local community. This is assessed by Liquor & Gaming NSW, where the overall social impact of the licensed premises must

not be detrimental to the well-being of the local or broader community. In determining whether the licensed premises would be detrimental to the local or broader community, the government would consider amongst other things:

1. The type of proposed licensed premises applied for
2. The scale of the proposed licensed premises
3. The trading hours of the proposed licensed premises
4. The location of the proposed licensed premises
5. Whether any specific measures over and above those required by legislation would be implemented, having the effect of reducing the potential social detriment
6. Domestic and international public health and criminological research regarding the demographic in a particular area

Stakeholders are entitled to make a submission to Liquor & Gaming NSW which would form part of the community impact statement. Stakeholders include the Applicant(s) for the liquor licence, who must consult with members of the local community (e.g. Council, Police, Department of Health, Department of Community Services, neighbouring premises, any other person or groups).

## **F. STRIKES POLICY**

In January 2012, the Liquor Act 2007 (NSW) was amended to include another section to impose sanctions on licensees who breach the Act. Repeat offenders may now be up for disciplinary proceedings including restrictions, suspension, disqualification or cancellation of their liquor licence.

Purchasers of a business need to be especially cautious to check whether the current liquor licence has any strikes, restrictions or pending actions on it. To check a liquor licence to see if there is a strike on it, there is a public register of strikes maintained at Liquor & Gaming NSW.

**Comasters can help clients with liquor licence issues.**

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