

South Australia

Liquor Licensing (Fees) [No 84] Regulations 2019

under the *Liquor Licensing Act 1997*

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1—Short title

These regulations may be cited as the *Liquor Licensing (Fees) Regulations 2019*.

2—Commencement

These regulations come into operation on 1 July 2019.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Liquor Licensing Act 1997*.

4—Fees

- (1) Fees payable under the Act are as set out in Schedule 1.
- (2) The Commissioner may, in the Commissioner's absolute discretion, waive, reduce or refund fees in exceptional circumstances that, in the opinion of the Commissioner, warrant the exercise of the discretion.

5—Annual fees

- (1) For the purposes of section 50A of the Act and subject to this regulation, the annual fee for a licence is payable on or before 30 June in each year and is payable in advance in respect of the following financial year (that is, the 12 months commencing on 1 July and ending on the following 30 June).

- (2) If, on 30 June in a year, a licence is suspended (other than for disciplinary reasons), the annual fee for the licence is not payable on or before that day in that year, but, if the licence ceases to be suspended during the following financial year, the annual fee for the licence in respect of that financial year is payable on or before the day that is 28 days after the day on which the licence ceases to be suspended.
- (3) The annual fee payable under subregulation (2) is to be adjusted on a pro rata basis by applying the proportion that the number of months from the cessation of the suspension until the next 30 June bears to 12 (with part of a month being counted as a whole month).
- (4) Despite Schedule 1, no fee is payable for an application for a variation of trading hours or the imposition, variation or revocation of a licence condition so as to reduce the trading hours or reduce the capacity of the licensed premises contemplated by the licence and effect a reduction in the annual fee for the licence.

Schedule 1—Fees

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| 1 | Application for the grant of a licence other than a limited licence | \$619.00 |
| 2 | Application for the grant of a limited licence (single applicant)— | |
| | (a) where the application is made within the prescribed time— | |
| | (i) if the licence is sought for 1 function lasting 1 day or less | \$93.00 |
| | (ii) if the licence is sought for more than 1 function held on the same day (for each function) | \$93.00 |
| | (iii) if the licence is sought for 1 or more functions lasting more than 1 day (for each day of each function or part of a day) | \$93.00 |
| | (b) where the application is not made within the prescribed time—the fee determined in accordance with paragraph (a) of this item plus \$93.00 | |

However, no fee is payable for an application for a limited licence if the licence is granted for a function or functions that, in the opinion of the licensing authority, are to be held for charitable or other community purposes.

For the purposes of this item, the *prescribed time*, in relation to an application, is the time prescribed under section 51(1)(c) of the Act as the time within which the application must be made (see regulation 11 of the *Liquor Licensing (General) Regulations 2012*).

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| 3 | Application for the grant of a limited licence (multiple applicants)— | |
| | (a) where the application is made within the prescribed time and there are— | |
| | (i) 2 or 3 applicants | \$180.00 |
| | (ii) more than 3 but not more than 6 applicants | \$359.00 |
| | (iii) more than 6 but not more than 10 applicants | \$628.00 |
| | (iv) more than 10 but not more than 15 applicants | \$957.00 |
| | (v) more than 15 but not more than 20 applicants | \$1 376.00 |
| | (vi) more than 20 applicants | \$1 794.00 |
| | (b) where the application is not made within the prescribed time—the fee determined in accordance with paragraph (a) of this item plus \$93.00 | |

However, no fee is payable for an application for a limited licence if the licence is granted for a function or functions that, in the opinion of the licensing authority, are to be held for charitable or other community purposes.

For the purposes of this item, the *prescribed time*, in relation to an application, is the time prescribed under section 51(1)(c) of the Act as the time within which the application must be made (see regulation 11 of the *Liquor Licensing (General) Regulations 2012*).

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| 4 | Application for an extended trading authorisation | \$619.00 |
| 5 | Application for removal of a licence | \$619.00 |
| 6 | Application for transfer of a licence | \$619.00 |
| 7 | Application for— | |
| | (a) approval of an alteration or proposed alteration to licensed premises | \$134.00 |
| | (b) redefinition of licensed premises as defined in the licence | \$134.00 |
| | (c) designation of part of licensed premises as a dining area or reception area | \$134.00 |
| 8 | Application by holder of producer's licence for additional licensed premises to be shared in accordance with section 39(1b) of the Act (a collective outlet) | \$134.00 |
| 9 | Application for authorisation to sell liquor in an area adjacent to licensed premises | \$134.00 |
| 10 | Application for a variation of trading hours or for the imposition, variation or revocation of a condition of a licence— | |
| | (a) in relation to a limited licence | \$48.25 |
| | (b) in any other case | \$619.00 |
| <p>However, no fee is payable if the application is to reduce the trading hours or reduce the capacity of the licensed premises contemplated by the licence so as to effect a reduction in the annual fee for the licence.</p> | | |
| 11 | Application for approval of a natural person or persons as the manager or managers of the business conducted under the licence or the assumption by a person of a position of authority in the trust or corporate entity that holds the licence— | |
| | (a) if the person is the subject of an approval of the Commissioner in force under section 38 of the <i>Gaming Machines Act 1992</i> | no fee |
| | (b) in any other case | \$134.00 |
| 12 | Application for conversion of a temporary licence into an ordinary licence | \$619.00 |
| 13 | Application for consent of the licensing authority to use part of the licensed premises or area adjacent to the licensed premises for the purpose of providing prescribed entertainment | \$619.00 |
| 14 | Additional fee on an application where an identification badge is issued | \$22.60 |
| 15 | Application for approval to act as a crowd controller for licensed premises | \$134.00 |
| 16 | Licence fee on grant of a limited licence if— | \$845.00 |
| | (a) the licence authorises the sale or supply of liquor past 1 am, the licensed premises are outdoors and the licence states the maximum capacity of the licensed premises as a number of persons exceeding 300; or | |
| | (b) the licence contemplates boxing, wrestling or other entertainment that, in the opinion of the licensing authority, should be regarded as adult entertainment being provided at the licensed premises during the whole or part of the hours that the licence authorises the sale or supply of liquor; or | |

- (c) the licence authorises the sale or supply of liquor past 1 am and the product of the number of persons stated in the licence as the maximum capacity of the licensed premises and the number of days on which the licence authorises the sale or supply of liquor exceeds 1 000; or
- (d) the product of the number of persons stated in the licence as the maximum capacity of the licensed premises and the number of days on which the licence authorises the sale or supply of liquor exceeds 5 000; or
- (e) the licensing authority determines on other grounds that the nature of the special occasion or series of special occasions to which the licence will relate has required or will require the devotion of significant resources for the purposes of the administration or enforcement of the Act in relation to the licence.

However, no fee is payable if—

- (a) no fee was payable for the application for the licence; or
- (b) the licence is granted to the holder of a licence (other than a limited licence) and the licensed premises of the limited licence comprise the whole or a part of the licensed premises of the other licence held by the licensee.

The Commissioner may refund a licence fee if the special occasion or series of special occasions to which the licence relates is cancelled and significant resources have not been devoted for the purposes of the administration or enforcement of the Act in relation to the licence.

For the purposes of this item, a licence authorises the sale or supply of liquor past 1 am if it authorises the sale or supply of liquor immediately before and immediately after 1 am on any 1 or more days.

17 Annual fee for a licence—

- (a) for a hotel licence or entertainment venue licence—
 - (i) if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 level 1 fee
 - (ii) if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 level 2 fee
 - (iii) if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 level 3 fee
 - (iv) if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 but not exceeding 400 level 4 fee
 - (v) if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 400 level 5 fee
- (b) for a club licence (other than a limited club licence)—
 - (i) if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 1 000 level 1 fee
 - (ii) if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 1 000 level 2 fee

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| (iii) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 1 000 | level 3 fee |
| (iv) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 1 000 | level 5 fee |
| (c) | for a residential licence or restaurant licence— | |
| (i) | if the licence does not authorise the sale or supply of liquor past 2 am | level 1 fee |
| (ii) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 | level 2 fee |
| (iii) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 | level 4 fee |
| (d) | for a producer's licence— | |
| (i) | if the licence does not authorise consumption of liquor on the licensed premises | level 1 fee |
| (ii) | if the licence authorises consumption of liquor on the licensed premises and— | |
| (A) | the licence does not authorise the sale or supply of liquor past 2 am | level 1 fee |
| (B) | the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 | level 2 fee |
| (C) | the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 | level 4 fee |
| (e) | for a retail liquor merchant's licence, wholesale liquor merchant's licence or direct sales licence | level 2 fee |
| (f) | for a special circumstances licence for a bus, limousine, boat, train, aeroplane, caterer or retirement village | level 1 fee |
| (g) | for a special circumstances licence for licensed premises other than a bus, limousine, boat, train, aeroplane, caterer or retirement village— | |
| (i) | if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 | level 1 fee |
| (ii) | if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 | level 2 fee |
| (iii) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 | level 3 fee |
| (iv) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 but not exceeding 400 | level 4 fee |

- (v) if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 400 level 5 fee

- (h) for a small venue licence level 1 fee

No annual fee is payable for a limited club licence.

The Commissioner may—

- (a) if the business operated under a licence is, in the opinion of the Commissioner, so similar to that under another licence class for which a lower annual fee is payable as to warrant a reduction in the fee, reduce the annual fee to that applicable to a licence of that other class; and
- (b) if the annual fee payable is a level 2 fee, reduce the fee to a level 1 fee for a particular year on grounds of financial hardship.

For the purposes of this item—

- (a) a level 1 fee is \$121.00; and
- (b) a level 2 fee is \$845.00; and
- (c) a level 3 fee is \$845.00 plus, if the licence authorises the sale of liquor for consumption on the premises past 2 am, \$845.00 plus, if the licence authorises the sale of liquor for consumption on the premises past 4 am, a further \$845.00; and
- (d) a level 4 fee is \$845.00 plus, if the licence authorises the sale of liquor for consumption on the premises past 2 am, \$1 693.00 plus, if the licence authorises the sale of liquor for consumption on the premises past 4 am, a further \$1 693.00; and
- (e) a level 5 fee is \$845.00 plus, if the licence authorises the sale of liquor for consumption on the premises past 2 am, \$3 021.00 plus, if the licence authorises the sale of liquor for consumption on the premises past 4 am, a further \$9 062.00; and
- (f) a licence authorises the sale of liquor past 2 am if it authorises the sale or supply of liquor immediately before and immediately after 2 am on any 1 or more days (disregarding sale or supply to a lodger); and
- (g) a licence authorises the sale or supply of liquor past 4 am if it authorises the sale or supply of liquor immediately before and immediately after 4 am on any 1 or more days (disregarding sale or supply to a lodger).

Schedule 2—Revocation of *Liquor Licensing (Fees) Regulations 2018*

The *Liquor Licensing (Fees) Regulations 2018* are revoked.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *Liquor Licensing (Fees) [No 84] Regulations 2019* were revoked by Sch 2 of the *Liquor Licensing (Fees) Regulations 2019* on 18.11.2019.

Principal regulations

| Year | No | Reference | Commencement |
|------|----|--------------------------------|---------------|
| 2019 | 84 | <i>Gazette 13.6.2019 p1892</i> | 1.7.2019: r 2 |