

South Australia

## **Liquor Licensing (Fees) Regulations 2019**

under the *Liquor Licensing Act 1997*

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### **Part 1—Preliminary**

#### **1—Short title**

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

#### **2—Commencement**

These regulations come into operation on the day on which section 22 of the *Liquor Licensing (Liquor Review) Amendment Act 2017* comes into operation.

#### **3—Interpretation**

- (1) In these regulations, unless the contrary intention appears—

*Act* means the *Liquor Licensing Act 1997*;

*class 1 event*—an event authorised under a short term licence is a class 1 event if—

- (a) the maximum capacity of the licensed premises authorised under the licence for the event is a number of persons not exceeding 200 persons at any one time; and
- (b) the sale or supply of liquor past 12 midnight is not authorised under the licence for the event; and
- (c) the event is to last 1 day or less; and
- (d) no part of the licensed premises or area adjacent to the licensed premises is used for the purpose of providing prescribed entertainment;

**class 2 event**—an event authorised under a short term licence is a class 2 event—

- (a) if—
  - (i) the maximum capacity of the licensed premises authorised under the licence for the event is a number of persons not exceeding 1 200 persons at any one time; and
  - (ii) the sale or supply of liquor past 2 am is not authorised under the licence for the event; and
  - (iii) no part of the licensed premises or area adjacent to the licensed premises is used for the purpose of providing prescribed entertainment; or
- (b) if the conditions of the licence in respect of the event only authorise the sale of liquor by direct sales transactions (regardless of the authorised trading hours under the licence); or
- (c) if, in the opinion of the Commissioner, the nature of the event is such that the event should be regarded as a class 2 event;

**class 3 event**—an event authorised under a short term licence is a class 3 event if—

- (a) the maximum capacity of the licensed premises authorised under the licence for the event is a number of persons exceeding 1 200 persons at any one time; or
- (b) the sale or supply of liquor past 2 am is authorised for the event; or
- (c) a part of the licensed premises or area adjacent to the licensed premises is used for the purpose of providing prescribed entertainment; or
- (d) the Commissioner determines on other grounds that the nature of the event 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 event;

**day**—the Commissioner may, in relation to an event authorised under a short term licence, specify on the licence each period (of up to 24 hours) that constitutes a day of the event;

**event** includes an occasion;

**5 year short term licence**—a short term licence granted for a term of 5 years is a 5 year short term licence;

**short term licence** includes a 5 year short term licence.

- (2) For the purposes of these regulations—
  - (a) a licence authorises the sale or supply of liquor past midnight if it authorises the sale or supply of liquor immediately before and immediately after midnight on any 1 or more days (disregarding sale or supply to a resident on licensed premises); and
  - (b) a licence authorises the sale or supply 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 resident on licensed premises); and

- (c) a licence authorises the sale or supply of liquor past 3 am if it authorises the sale or supply of liquor immediately before and immediately after 3 am on any 1 or more days (disregarding sale or supply to a resident on licensed premises); and
  - (d) 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 resident on licensed premises); and
  - (e) a licence authorises the sale or supply of liquor past 5 am if it authorises the sale or supply of liquor immediately before and immediately after 5 am on any 1 or more days (disregarding sale or supply to a resident on licensed premises).
- (3) For the purposes of these regulations, the *maximum capacity of licensed premises* is the number of persons that must not be exceeded at the licensed premises as stated under the licence (disregarding residents in areas of the premises not accessible to other members of the public (such as bedrooms and other accommodation areas)).

#### **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 payable under these regulations.

#### **5—Annual fees—general**

- (1) For the purposes of section 50A of the Act and subject to these regulations, the annual fee for a licence (including a licence that is suspended for disciplinary reasons) 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) Despite Schedule 1, no fee is payable for an application for—
  - (a) 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; or
  - (b) the variation or revocation of a licence condition to remove a club event endorsement, a club transport endorsement or a production and sales event endorsement from the licence (on account of the licensee no longer selling or supplying liquor in accordance with the relevant endorsement).

#### **6—Annual fees—certain suspended licences**

- (1) If, on 30 June in a year, a licence is suspended (other than for disciplinary reasons), the annual fee for the licence applying under Schedule 1 is not payable on or before that day in that year, but—
  - (a) the licensee must pay the annual fee for a suspended licence applying under Schedule 1 (which 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)); and

- (b) if the licence ceases to be suspended during that following financial year, the annual fee for the licence applying under Schedule 1 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.
- (2) The annual fee payable under subregulation (1)(b) 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).

## Schedule 1—Fees

1	Application for the grant of a licence other than a short term licence	\$619.00
2	Application for the grant of a short term licence (other than a 5 year short term licence) if it is to be granted to the holder of a licence (other than a short term licence) and the licensed premises of the short term licence comprise the whole or a part of the licensed premises of the other licence held by the licensee—	
	(a) where the application is made within the prescribed time	\$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 a <i>late fee</i> of \$93.00	
3	Application for the grant of a short term licence (other than a short term licence to which item 2 applies or a 5 year short term licence)—	
	(a) where the application is made within the prescribed time—	
	(i) if the licence is sought for a class 1 event	\$93.00
	(ii) if the licence is sought for a class 2 event—	
	(A) if the conditions of the licence only authorise the sale of liquor by direct sales transactions	\$93.00
	(B) in any other case	\$198.00
	(iii) if the licence is sought for a class 3 event	\$619.00
	(b) where the application is not made within the prescribed time—the fee determined in accordance with paragraph (a) of this item plus a <i>late fee</i> of—	
	(i) if the licence is sought for a class 1 event	\$93.00
	(ii) if the licence is sought for a class 2 event—	
	(A) in the case of a licence that only authorises the sale of liquor by direct sales transactions	\$93.00
	(B) in any other case	\$198.00
	(iii) if the licence is sought for a class 3 event	\$619.00

However, no fee is payable under item 2 or 3 for an application for the grant of a short term licence if—

- (a) the licence is sought for a class 1 or 2 event; and
- (b) the applicant is an incorporated association under the *Associations Incorporation Act 1985* or an entity registered under the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth,

but if such an application is not made within the prescribed time, the late fee under item 2(b) or 3(b)(i) or (ii) (as the case requires) is payable in respect of the application.

For the purposes of items 2 and 3, the *prescribed time*, in relation to an application, is the time prescribed under section 51(1)(c) of the Act (see the *Liquor Licensing (General) Regulations 2012*) as the time within which the application must be made.

- 4 Event fee in relation to an event endorsed on a short term licence (other than a 5 year short term licence)—
- (a) if the event endorsed is a class 1 event—no fee is payable
  - (b) if the event endorsed is a class 2 event—
    - (i) if the conditions of the licence only authorise the sale of liquor by direct sales transactions—an amount of \$10.00 is payable in respect of each day of the event
    - (ii) in any other case—an amount equal to the sum of the base amount and the capacity amount is payable in respect of each day of the event
  - (c) if the event endorsed is a class 3 event—an amount equal to the sum of the base amount, the capacity amount and the trading hours amount is payable in respect of each day of the event
- 5 Application for the grant of a 5 year short term licence—
- (a) an application fee of \$619.00
- and
- (b) an endorsement fee for the endorsement by the licensing authority of the first event on the licence—
    - (i) for the endorsement of a class 1 event \$46.50
    - (ii) for the endorsement of a class 2 event \$99.00
    - (iii) for the endorsement of a class 3 event \$309.50
  - (c) an event fee in relation to the endorsement by the licensing authority of the first event on the licence—
    - (i) if the event endorsed is a class 1 event—no fee is payable
    - (ii) if the event endorsed is a class 2 event—an amount equal to the sum of the base amount and the capacity amount is payable in respect of each day of the event
    - (iii) if the event endorsed is a class 3 event—an amount comprised of the sum of the base amount, the capacity amount and the trading hours amount is payable in respect of each day of the event
- 6 The following fees are payable for each subsequent event endorsed by the licensing authority on a 5 year short term licence in accordance with the conditions of the licence:
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	(a)	an endorsement fee for the endorsement of the event on the licence—	
	(i)	for the endorsement of a class 1 event	\$46.50
	(ii)	for the endorsement of a class 2 event	\$99.00
	(iii)	for the endorsement of a class 3 event	\$309.50
	(b)	an event fee in relation to the event—	
	(i)	if the event endorsed is a class 1 event—no fee is payable	
	(ii)	if the event endorsed is a class 2 event—an amount equal to the sum of the base amount and the capacity amount is payable in respect of each day of the event	
	(iii)	if the event endorsed is a class 3 event—an amount comprised of the sum of the base amount, the capacity amount and the trading hours amount is payable in respect of each day of the event	
7		If the fees under item 6 payable in accordance with the conditions of the licence are not paid within the time before the commencement of the event specified by those conditions, the following additional amount is payable:	
	(a)	if the event to be endorsed on the licence is a class 1 event	\$46.50
	(b)	if the event to be endorsed on the licence is a class 2 event	\$99.00
	(c)	if the event to be endorsed on the licence is a class 3 event	\$309.50
8		For the purposes of items 4(b)(ii) and (c), 5(c), and 6(b)—	
	(a)	the <i>base amount</i> is—	\$100.00
		and	
	(b)	the <i>capacity amount</i> is—	
	(i)	if the maximum capacity of the licensed premises does not exceed 500	nil
	(ii)	if the maximum capacity of the licensed premises exceeds 500 but does not exceed 1 000	\$25.00
	(iii)	if the maximum capacity of the licensed premises exceeds 1 000 but does not exceed 5 000	\$50.00
	(iv)	if the maximum capacity of the licensed premises exceeds 5 000 but does not exceed 10 000	\$75.00
	(v)	if the maximum capacity of the licensed premises exceeds 10 000	\$100.00
		and	
	(c)	the <i>trading hours amount</i> is—	
	(i)	if the sale or supply of liquor past 2 am is authorised for the event but the sale or supply of liquor past 3 am is not authorised	\$20.00
	(ii)	if the sale or supply of liquor past 3 am is authorised for the event but the sale or supply of liquor past 4 am is not authorised	\$60.00
	(iii)	if the sale or supply of liquor past 4am is authorised for the event but the sale or supply of liquor past 5 am is not authorised	\$145.00
	(iv)	if the licence authorises the sale or supply of liquor past 5 am	\$290.00
9		Application for the grant of a designated application under section 53A of the Act	\$134.00
10		Application for removal of a licence	\$619.00

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11	Application for transfer of a licence	\$619.00
12	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
13	Application by holder of club licence for endorsement of club event endorsement or club transport endorsement on licence (an application may relate to up to 5 such endorsements)	\$134.00
14	Application for exemption under section 38(6) of the Act	\$134.00
15	Application by holder of liquor production and sales licence for approval of production outlet, retail outlet or wholesale outlet under section 39(2) of the Act	\$134.00
16	Application by holder of liquor production and sales licence for production outlet, retail outlet or wholesale outlet to be removed from licence	\$134.00
17	Application by holder of liquor production and sales licence for additional licensed premises to be shared in accordance with section 39(3) of the Act (a <i>collective outlet</i> )	\$134.00
18	Application by holder of liquor production and sales licence for endorsement of production and sales event endorsement on licence (an application may relate to up to 5 such endorsements)	\$134.00
19	Application for amalgamation of club licence under section 65A of the Act	\$134.00
20	Application for authorisation to sell liquor in an area adjacent to licensed premises	\$134.00
21	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 short term licence	\$48.25
	(b) in any other case	\$619.00
22	Application for—	
	(a) approval of a person or persons as a responsible person or persons under the Act	\$134.00
	(b) exemption under section 97(2) of the Act	\$134.00
23	Application for approval of 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> in relation to the licence under that Act that authorises operations under the <i>Gaming Machines Act 1992</i> at the licensed premises (under the <i>Liquor Licensing Act 1997</i> )	no fee
	(b) in any other case	\$134.00
24	Application for an approval, permission or temporary licence under section 73 of the Act	\$134.00
25	Application for conversion of a temporary licence into an ordinary licence	\$619.00
26	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
27	Additional fee on an application where an identification badge is issued	\$22.60

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28	Application for approval of an agreement or arrangement under section 99(2) of the Act	\$134.00
29	Application for approval of employment of minor on licensed premises under section 107(2) of the Act	\$134.00
30	Application for exemption from provision of code of practice	\$134.00
31	Annual fee for a general and hotel licence—the annual fee is the sum of—	
	(a) the base amount of	\$125.00
	and	
	(b) the capacity amount as follows:	
	(i) if the maximum capacity of the licensed premises does not exceed 200	nil
	(ii) if the maximum capacity of the licensed premises exceeds 200 but does not exceed 400	\$31.25
	(iii) if the maximum capacity of the licensed premises exceeds 400 but does not exceed 800	\$62.50
	(iv) if the maximum capacity of the licensed premises exceeds 800 but does not exceed 1 200	\$93.75
	(v) if the maximum capacity of the licensed premises exceeds 1 200	\$125.00
	and	
	(c) the trading hours amount	
	and	
	(d) —	
	(i) if the prescribed entertainment amount applies —the prescribed entertainment amount; and	
	(ii) if the prescribed area amount applies—the prescribed area amount; and	
	(iii) if the consumption off premises amount applies—the consumption off premises amount; and	
	(iv) if the bottle shop amount applies—the bottle shop amount	
32	Annual fee for an on premises licence where the licensed premises are a public conveyance—the annual fee is the sum of	
	(a) the base amount of	\$375.00
	and	
	(b) if the prescribed entertainment amount applies —the prescribed entertainment amount	
33	Annual fee for any other on premises licence—the annual fee is the sum of—	
	(a) the base amount of	\$425.00
	and	
	(b) the capacity amount of the following:	
	(i) if the maximum capacity of the licensed premises does not exceed 200	nil

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	(ii)	if the maximum capacity of the licensed premises exceeds 200 but does not exceed 400	\$106.25
	(iii)	if the maximum capacity of the licensed premises exceeds 400 but does not exceed 800	\$212.50
	(iv)	if the maximum capacity of the licensed premises exceeds 800 but does not exceed 1 200	\$318.75
	(v)	if the maximum capacity of the licensed premises exceeds 1 200	\$425.00
	and		
	(c)	the trading hours amount	
	and		
	(d)	—	
	(i)	if the prescribed entertainment amount applies—the prescribed entertainment amount; and	
	(ii)	if the prescribed area amount applies—the prescribed area amount	
34		Annual fee for a restaurant and catering licence or a residential licence—the annual fee is the sum of—	
	(a)	the base amount of	\$375.00
	and		
	(b)	if the prescribed entertainment amount applies—the prescribed entertainment amount	
35		Annual fee for a club licence—the annual fee is the sum of—	
	(a)	the base amount of	\$125.00
	and		
	(b)	the capacity amount of the following:	
	(i)	if the maximum capacity of the licensed premises does not exceed 800	nil
	(ii)	if the maximum capacity of the licensed premises exceeds 800 but does not exceed 1 200	\$93.75
	(iii)	if the maximum capacity of the licensed premises exceeds 1 200	\$125.00
	and		
	(c)	the trading hours amount	
	and		
	(d)	—	
	(i)	if the prescribed entertainment amount applies—the prescribed entertainment amount; and	
	(ii)	if the consumption off premises amount applies—the consumption off premises amount; and	
	(iii)	if the endorsement amount applies—the endorsement amount	
36		Annual fee for a small venue licence—the annual fee is the sum of—	
	(a)	the base amount of	\$425.00
	and		

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- (b) if the prescribed entertainment amount applies—the prescribed entertainment amount
- 37 Annual fee for a category 1 liquor production and sales licence—the annual fee is the sum of—
- (a) the base amount of \$75.00
- and
- (b) —
- (i) if the prescribed entertainment amount applies—the prescribed entertainment amount; and
- (ii) if the consumption off premises amount applies—the consumption off premises amount; and
- (iii) if the endorsement amount applies—the endorsement amount
- In this item—
- category 1 liquor production and sales licence*** means a liquor production and sales licence that only authorises the licensee to do the following:
- (a) to supply liquor for consumption by way of sample on the licensed premises;
- (b) to sell the licensee's product on the licensed premises for consumption off the licensed premises;
- (c) to sell the licensee's product by direct sales transactions.
- 38 Annual fee for a category 2 liquor production and sales licence—the annual fee is the sum of—
- (a) the base amount of \$200.00
- and
- (b) the capacity amount of the following:
- (i) if the maximum capacity of the licensed premises does not exceed 200 nil
- (ii) if the maximum capacity of the licensed premises exceeds 200 but does not exceed 400 \$50.00
- (iii) if the maximum capacity of the licensed premises exceeds 400 but does not exceed 800 \$100.00
- (iv) if the maximum capacity of the licensed premises exceeds 800 but does not exceed 1 200 \$150.00
- (v) if the maximum capacity of the licensed premises exceeds 1 200 \$200.00
- and
- (c) the trading hours amount
- and
- (d) —
- (i) if the prescribed entertainment amount applies—the prescribed entertainment amount; and
- (ii) if the consumption off premises amount applies—the consumption off premises amount; and

- (iii) if the prescribed area amount applies—the prescribed area amount;  
and
- (iv) if the endorsement amount applies—the endorsement amount

In this item—

***category 2 liquor production and sales licence*** means a liquor production and sales licence that is not a category 1 liquor production and sales licence and that only authorises the licensee—

- (a) to sell the licensee's product—
  - (i) on the licensed premises for consumption on or off the licensed premises; and
  - (ii) by direct sales transactions; and
- (b) to sell liquor (including the licensee's product) for consumption on the licensed premises—
  - (i) to persons attending a function where food is provided by the licensee; and
  - (ii) with or ancillary to a meal provided by the licensee; and
  - (iii) to a person seated at a table.

39 Annual fee for any other liquor production and sales licence—the annual fee is the sum of—

- (a) the base amount of \$500.00
- and
- (b) the capacity amount of the following:
 

(i) if the maximum capacity of the licensed premises does not exceed 200	nil
(ii) if the maximum capacity of the licensed premises exceeds 200 but does not exceed 400	\$125.00
(iii) if the maximum capacity of the licensed premises exceeds 400 but does not exceed 800	\$250.00
(iv) if the maximum capacity of the licensed premises exceeds 800 but does not exceed 1 200	\$375.00
(v) if the maximum capacity of the licensed premises exceeds 1 200	\$500.00
- and
- (c) the trading hours amount
- and
- (d) —
  - (i) if the prescribed entertainment amount applies—the prescribed entertainment amount; and
  - (ii) if the consumption off premises amount applies—the consumption off premises amount; and
  - (iii) if the prescribed area amount applies—the prescribed area amount; and
  - (iv) if the endorsement amount applies—the endorsement amount

40 Annual fee for a packaged liquor sales licence—the annual fee is the sum of—

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- (a) the base amount of—
- |  |            |
|--|------------|
| (i) if the licence only authorises the licensee to sell liquor through direct sales transactions | \$1 800.00 |
| (ii) if the licence is not of a kind referred to in (i) and the licensee—                        |            |
| (A) holds less than 6 packaged liquor sales licences under the Act                               | \$2 800.00 |
| (B) holds more than 6 but not more than 10 packaged liquor sales licences under the Act          | \$3 800.00 |
| (C) holds 11 or more packaged liquor sales licences under the Act                                | \$6 900.00 |
- and
- (b) if the prescribed entertainment amount applies—the prescribed entertainment amount
- 41 For the purposes of items 31 to 40 (inclusive) (relating to annual fees for licences)—
- (a) the *trading hours amount* is as follows:
- |  |          |
|--|----------|
| (i) if the licence does not authorise the sale or supply of liquor past 2 am   | nil      |
| (ii) if the licence authorises the sale or supply of liquor past 2 am but does not authorise the sale or supply of liquor past 3 am  | \$2 000  |
| (iii) if the licence authorises the sale or supply of liquor past 3 am but does not authorise the sale or supply of liquor past 4 am | \$6 000  |
| (iv) if the licence authorises the sale or supply of liquor past 4 am but does not authorise the sale or supply of liquor past 5 am  | \$15 000 |
| (v) if the licence authorises the sale or supply of liquor past 5 am   | \$30 000 |
- (b) —
- (i) the prescribed entertainment amount applies if a part of the licensed premises or area adjacent to the licensed premises is used for the purpose of providing prescribed entertainment; and
- (ii) the *prescribed entertainment amount* is \$500.00
- (c) —
- (i) the consumption off premises amount applies if the licence authorises the sale of liquor to persons (other than a resident) for consumption off the licensed premises; and
- (ii) the *consumption off premises amount* is \$300.00
- (d) —
- (i) the prescribed area amount applies if the Commissioner is satisfied that Hindley St is the street address of the licensed premises; and
- (ii) the *prescribed area amount* is \$500.00
- 42 For the purposes of the item relating to the annual fee for a general and hotel licensee, the bottle shop amount applies (in addition to the consumption off premises amount) if—
- (a) the licence authorises the sale (on a specified part of the licensed premises) of packaged liquor from a facility commonly known as a "bottle shop", "drive-in" or "drive through"; and
- (b) the *bottle shop amount* is \$900.00

- 43 For the purposes of the items relating to the annual fee for a club licence and a liquor production and sales licence (including a category 1 or 2 liquor production and sales licence)—
- (a) the endorsement amount applies if—
    - (i) in the case of a club licence—the licence includes a club event endorsement or a club transport endorsement; and
    - (ii) in the case of a liquor production and sales licence—the licence includes a production and sales event endorsement; and
  - (b) the *endorsement amount* is—
    - (i) if the licence is endorsed with not more than 5 endorsements nil
    - (ii) if the licence is endorsed with more than 5 but not more than 10 endorsements \$260.00
    - (iii) if the licence is endorsed with more than 10 but not more than 15 endorsements \$500.00
    - (iv) if the licence is endorsed with more than 15 endorsements \$1 400.00
- 44 Annual fee for a suspended licence of a kind referred to in regulation 6 \$125.00

## **Schedule 2—Revocation of *Liquor Licensing (Fees) Regulations 2019***

The *Liquor Licensing (Fees) Regulations 2019* (*Gazette 13.6.2019 p1892*) are revoked.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 7 November 2019

No 235 of 2019