

South Australia

Liquor Licensing (General) (Fee Notices) Variation Regulations 2020

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 (General) (Fee Notices) Variation Regulations 2020*.

2—Commencement

These regulations come into operation on 1 July 2020.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Liquor Licensing (General) Regulations 2012*

4—Insertion of regulations 7D, 7E and 7F

After regulation 7C insert:

7D—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 a fee having been prescribed, 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).

7E—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 that is prescribed for the licence is not payable on or before that day in that year, but—
 - (a) the licensee must pay the annual fee that is prescribed for a suspended licence (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 that is prescribed 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.
- (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).

7F—Waiver, reduction or refund of fees

The Commissioner may, in the Commissioner's absolute discretion, waive, reduce or refund fees prescribed for the purposes of the Act or these regulations.

5—Variation of regulation 11—Time limitation for application for short term licence

Regulation 11(2)—delete subregulation (2) and substitute:

- (2) For the purposes of this regulation—
 - (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).
- (3) For the purposes of this regulation, 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) In this regulation—

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;

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;

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 4 June 2020

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