

www.
olgr.nsw.gov.au

Publication details
July 2008

This fact sheet outlines the requirements when applying for a primary service authorisation. It also outlines the key trading entitlements associated with this type of licence-related authorisation.

What is a Primary service authorisation?

A primary service authorisation can apply to an on-premises liquor licence.

An on-premises licence allows liquor to be sold or supplied with, or ancillary to, another product or service that is sold, supplied or provided to people on the licensed premises.

Where a venue has a primary service authorisation, the venue can sell or supply liquor to patrons without the liquor being provided with another product or service.

However, the primary purpose of the business or activity carried out on the licensed premises cannot be the sale or supply of liquor, whether or not a primary service authorisation is held.

The most common example of a primary service authorisation is the sale of alcohol in a restaurant or café without a meal.

A primary service authorisation does not allow a venue with an on-premises licence (such as a restaurant, public entertainment venue or accommodation premises) to operate as a bar. Venues that wish to operate as a bar can apply for a general bar hotel licence.

An application for a primary service authorisation can be made for an existing on-premises licence or as part of a liquor licence application for a new premises.

Primary service authorisation conditions

A primary service authorisation is subject to the following conditions under the liquor laws.

- A notice must be displayed at or near every entrance to alert people entering the premises that a primary service authorisation applies to the premises. The notice must be approved by the Casino, Liquor & Gaming Control Authority, and is available from our Office.

- The other product or service (eg. meals) must be available on the premises at all times while the primary service authorisation operates.
- The licensee must maintain monthly records of total liquor sales and total sales of the other product or service available on the premises (eg. meals). Those records must be available to police and liquor inspectors on request.

The authorisation does not operate at any time when the primary purpose of the business or activity carried out on the licensed premises is, at that particular time, the sale or supply of liquor.

Community impact statement

An application for a primary service authorisation must be accompanied by a community impact statement (CIS). This is prepared by the potential applicant and must be submitted with the licence application.

The CIS allows the Authority to be aware of the impact that granting an application will have on the local community. It does this by ensuring the potential applicant consults with the local community before deciding to make an application. It summarises the results of consultation between the applicant and the local community about any issues and concerns with a licensing proposal.

Where a CIS is required, an application cannot be approved by the Authority unless it is satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community.

More information about the CIS provisions is contained in the Community Impact Statement Toolkit for NSW Liquor Laws available at www.olgr.nsw.gov.au/liquor_CIS_home.asp



NSW Office of
Liquor, Gaming & Racing



Department of the Arts, Sport and Recreation

in:fo

Important things to know

Notification

As part of the application process, the applicant is required to notify the local council and police within two working days of lodging a primary service application with the Authority.

Notification must also be provided (using the notice contained in the application form) within two working days to occupiers of premises:

- within 100 metres of the boundary of the premises
- on land adjoining the boundary of the premises
- situated on land adjoining a road that separates those premises from the licensed premises.

Councils, police and the community have 30 days to make submissions to the Authority in relation to the application and any submission must be taken into account by the Authority when it makes its decision. Further information on the notification requirements is outlined in the fact sheet *Applying for a liquor licence* available from our website at www.olgr.nsw.gov.au/pdfs/L_FS_AFAL.pdf

How much does a primary service authorisation cost?

The application fee for a primary service authorisation is \$50.

How do I apply?

An application is lodged with the Casino, Liquor & Gaming Control Authority using the approved form. Application forms are available from our office at Level 6, 323 Castlereagh Street, Sydney or can be downloaded from our website at www.olgr.nsw.gov.au/pdfs/L_F_PSA0608.pdf

The application must include a completed community impact statement.

Applications can be lodged:

- by post at GPO Box 7060 Sydney 2001
- by email to liquorapplications@olgr.nsw.gov.au
- by facsimile to 02 9995 0819

In person at Level 6,
323 Castlereagh Street, Sydney

FAQs

When can I start selling liquor without it being supplied with other products or services?

If your venue already has an on-premises licence, alcohol can only be served with or ancillary to another product or service until the primary service authorisation is approved by the Authority.

If I operate a restaurant with an existing liquor licence and wish to be able to serve liquor to patrons without meals do I still need to conduct a CIS as part of my application?

Yes, all primary service authorisations require a CIS.

I am the licensee of a restaurant and previously held a dine-or-drink authority. Do I need to apply for a primary service authorisation?

No. Restaurants that had a dine-or-drink authority as at 30 June 2008 are deemed to have a primary service authorisation. Conditions that previously applied to the operation of the dine-or-drink authority, like the 30 per cent limit on drinking patrons, have been abolished.

All restaurants, including those with a primary service authorisation, must operate under the primary purpose of serving meals at all times. This means that meals must be available at all times and the restaurant's kitchen must be operational and have the capacity for the preparation of meals to patrons.

I am the operator of a BYO café interested in serving liquor without meals. What do I need to do?

You must apply to the Authority for an on-premises licence (relating to a restaurant) and a primary service authorisation. A community impact statement, addressing both the licence application and the primary service authorisation, needs to be completed and submitted with the licensing proposal.

Do I need development consent from my local council to apply for a primary service authorisation?

A primary service authorisation cannot be granted unless the Authority is satisfied that any required development consent or approval is in force. You will need to establish whether development consent or approval is required for a primary service authorisation to allow liquor to be sold without other products or services.

Prospective applicants, including existing licensees, should check with their local council on this issue.

Need more information?

Our website is regularly updated with information about the new liquor laws. Go to www.olgr.nsw.gov.au to access this information. Subscriptions to our e-news service are also available from this site.

Access to the liquor laws – the *Liquor Act 2007* and the *Liquor Regulation 2008* – is also available from this site at www.olgr.nsw.gov.au/legislation_liquor_reform.asp

For more information, call us on 02 9995 0894 or email us at info@olgr.nsw.gov.au