

## Hotel licence

SECTION/CLAUSE	C/R*	CONDITION
s.11A	C	<p><b>6-hour closure period</b></p> <p>Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours (known as the <i>6-hour closure period</i>). The 6-hour closure period is 4am to 10am each day, or as determined by the Independent Liquor &amp; Gaming Authority. During the 6-hour closure period:</p> <ul style="list-style-type: none"> <li>(a) the licensed premises are not authorised to stay open for the retail sale of liquor on the premises, and</li> <li>(b) the licensee is not authorised to sell take away liquor by retail.</li> </ul> <p>This condition only applies to:</p> <ul style="list-style-type: none"> <li>(a) a hotel licence granted on or after 30 October 2008</li> <li>(b) a hotel licence in force before 30 October 2008, but only where an <i>extended trading authorisation</i> was granted for the hotel on or after 30 October 2008 and is in force.</li> </ul> <p>This condition does not apply to the sale or supply of liquor to a resident of the licensed premises where the liquor is sold or supplied for consumption in the resident's room.</p>

### KINGS CROSS ADDITIONAL CONDITIONS

Additional statutory conditions apply to liquor licences in the **Kings Cross** precinct to reduce alcohol related violence and anti-social behaviour. An exemption from certain conditions can be sought in limited circumstances.

Detailed information about the conditions applying in Kings Cross is available from:  
[www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au) > Liquor > Kings Cross Precinct

\*C=condition R=requirement

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<b>s.15</b> <b>Hotel licence – general provisions</b>	<b>R</b>	<p><b>Hotel primary purpose test</b></p> <p>The primary purpose of the business carried out on the hotel's licensed premises must at all times be the sale of liquor by retail. The keeping or operation of gaming machines on the hotel's licensed premises must not detract unduly from the character of the hotel or from the enjoyment of non-gaming patrons. A hotel licence does not operate where the hotel primary purpose test is not complied with.</p> <p>Exceptions exist in certain cases (refer to section 15A below) allowing the hotel to cease liquor sales during normal trading hours.</p>
	<b>R</b>	<p><b>Sale of liquor on other premises under a hotel licence</b></p> <p>Where liquor is sold on any premises, other than the actual hotel, under a <i>function on other premises authorisation</i>, those other premises are taken to be part of the licensed premises to which the hotel licence relates.</p>
<b>s.15A</b> <b>Cessation of liquor sales during trading hours</b>	<b>C</b>	During the standard trading period, a licensee may at any time cease to sell or supply liquor on the licensed premises – and continue to provide, or make available, other services and facilities on the licensed premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings) – provided the licensed premises are not used for gambling activities.
	<b>R</b>	During the standard trading period, a licensee may at any time cease to sell or supply liquor on the licensed premises – and continue to provide, or make available, other services and facilities on the licensed premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings and for gambling activities that are otherwise permitted on the premises) – but only with the approval of the Independent Liquor & Gaming Authority.
	<b>R</b>	During an extended trading period, a licensee may at any time cease to sell or supply liquor on the licensed premises – and continue to provide, or make available, other services and facilities on the licensed premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings and for gambling activities that are otherwise permitted on the premises).

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s.17 <b>Hotel licence - miscellaneous conditions</b>	<b>C</b>	<p><b>Cash advances prohibited</b></p> <p>A hotelier must not:</p> <ul style="list-style-type: none"> <li>(a) provide a cash advance in the hotel, or</li> <li>(b) permit a cash advance to be provided in the hotel on his/her behalf, except as a prize or bonus won as a direct or indirect consequence of participating in a legal form of gambling.</li> </ul>
	<b>C</b>	<p><b>Hotels must be open to general public</b></p> <p>A hotel business cannot be limited to the sale or supply of liquor only:</p> <ul style="list-style-type: none"> <li>(a) to persons who have been invited to use or attend the hotel, or</li> <li>(b) to a particular class, or particular classes, of persons using or attending the hotel. Exceptions to this requirement can be approved on a temporary basis by the Independent Liquor &amp; Gaming Authority.</li> </ul>
	<b>C</b>	<p><b>Food must be made available</b></p> <p>Food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be available whenever liquor is sold or supplied on the hotel premises for consumption on the premises.</p>
	<b>C</b>	<p><b>Residents and employees cannot consume liquor in bar area outside trading hours</b></p> <p>Liquor may not be sold or supplied to, or consumed by, a resident or an employee of the licensee in a bar area of the hotel outside of the trading hours for the hotel bar area.</p> <p>The Independent Liquor &amp; Gaming Authority may approve a <i>resident's bar authorisation</i> allowing the use of a bar area for the sale, supply or consumption of liquor exclusively to/by residents outside of the hotel's approved bar area trading hours.</p>

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<b>s.55</b> <b>Requirement to provide information in relation to persons interested in licensee's business</b>	<b>C</b>	<p><b>Licensee must notify changes to business ownership</b></p> <p>Where a person (other than the licensee or a financial institution) becomes interested in the business, or the conduct of the business, carried out on licensed premises, the Independent Liquor &amp; Gaming Authority must be provided with the following information within 28 days after the other person becomes interested:</p> <ul style="list-style-type: none"> <li>(a) the name and date of birth of the interested person and, in the case of a proprietary company, the names of the directors and shareholders</li> <li>(b) a statement, signed by the licensee, that the licensee has made all reasonable inquiries to ascertain the information referred to in paragraph (a).</li> </ul> <p>A person is interested in the business, or the conduct of the business, carried out on licensed premises if the person is entitled to receive:</p> <ul style="list-style-type: none"> <li>(a) any income derived from the business, or any other financial benefit or financial advantage from the carrying on of the business (whether the entitlement arises at law or in equity or otherwise), or</li> <li>(b) any rent, profit or other income in connection with the use or occupation of the premises on which the business is to be carried on.</li> </ul> <p>This information may be provided by the licensee or the interested person. See form AM0555.</p>
<b>c.37</b> <b>Requirement to provide information relating to persons no longer interested in licensee's business</b>	<b>C</b>	<p><b>Cessation of persons interested in licensee's business</b></p> <p>If a person (other than the licensee or a financial institution) ceases to be interested in the business, or the conduct of the business, carried out on licensed premises, the Independent Liquor &amp; Gaming Authority must, within 28 days of the person ceasing to have that interest, be notified in writing that the person is no longer an interested person.</p>

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<b>s.56 Incident registers</b>	<b>C</b>	<p><b>Hotel with retail on-premises sales after midnight at least once a week</b></p> <p>The licensee must maintain an incident register in the form approved by the Independent Liquor &amp; Gaming Authority. The register must record details of the following incidents that occur between midnight and 5am the following day Monday to Friday, between midnight Saturday and 10am Sunday, and between 10pm Sunday and 5am Monday:</p> <ul style="list-style-type: none"> <li>(a) any incident involving violence or anti-social behaviour occurring on the licensed premises</li> <li>(b) any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the licensed premises and that involves a person who has recently left, or been refused admission to, the premises</li> <li>(c) any incident that results in a person being turned out of the licensed premises under the exclusion provisions of the Liquor Act, and</li> <li>(d) any incident that results in a patron of the licensed premises requiring medical assistance.</li> </ul> <p>The register must also record details of any action taken in response to any such incident.</p> <p>Visit <a href="http://www.olgr.nsw.gov.au/signs_incident_register.asp">www.olgr.nsw.gov.au/signs_incident_register.asp</a> for more information.</p>
<b>s.122 Functions for minors in hotels and public entertainment venues</b>	<b>C</b>	<p><b>Hotel with a minors functions authorisation</b></p> <p>At least 7 days notice must be given to the local police before any function is held. The notice must specify the name and nature of the function, the number of minors attending, the number of adult supervisors, and details of the security arrangements.</p> <p>The licensee and person conducting the function must comply with any directions given by the local police or the Independent Liquor &amp; Gaming Authority with respect to the conduct of functions for minors.</p> <p>Liquor must not be sold, supplied, disposed of or consumed in the area in which a function is held.</p> <p>Gaming machines and tobacco vending machines must not be located in the area in which a function is held and any area of the licensed premises in which gaming machines or tobacco vending machines are located must not be accessible to any minor attending the function.</p>

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<b>c.17</b> <b>General bar licence – other forms of gambling prohibited</b>	<b>C</b>	<p><b>General bar hotel licence</b></p> <p>The licensed premises cannot be used:</p> <ul style="list-style-type: none"> <li>(a) to conduct a totalizator, or to conduct any betting activity, under the authority of a licence granted under the <i>Totalizator Act 1997</i>, or</li> <li>(b) to conduct a public lottery (within the meaning of the <i>Public Lotteries Act 1996</i>) authorised under that Act.</li> </ul>
<b>c.30</b> <b>Licensees required to provide biennial return</b>	<b>C</b>	<p><b>Licensee must provide biennial return</b></p> <p>The licensee must provide a biennial return to the Director-General of Trade &amp; Investment. The return is to include the information required in the biennial return form approved by the Director-General, and comply with any requirements of the form.</p> <p>The return must relate to the calendar year ending 31 December 2009 and each subsequent two year period. The first return was due by 31 March 2010, and subsequent returns are due by 31 March every two years after that.</p>
<b>c.36</b> <b>Display and availability of licence and licence-related authorisations</b>	<b>C</b>	<p><b>Licensee must make liquor licence available</b></p> <p>A copy of each of the following must be available at all times for the information of the members of staff of the licensed premises:</p> <ul style="list-style-type: none"> <li>(a) the licence</li> <li>(b) any licence-related authorisation</li> <li>(c) any conditions imposed by the Independent Liquor &amp; Gaming Authority on the licence or the authorisation.</li> </ul> <p>This information must be available to any member of staff who:</p> <ul style="list-style-type: none"> <li>(a) sells, supplies or serves liquor on the licensed premises, or</li> <li>(b) carries on any security activity (such as a crowd controller or bouncer) on or about the licensed premises, or</li> <li>(c) exercises any functions under the Liquor Act or Liquor Regulation.</li> </ul>

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<b>s.93 Cessation of trade</b>	<b>R</b>	<p><b>Hotel ceasing trade – licensee must notify Independent Liquor &amp; Gaming Authority</b></p> <p>If the licensed premises cease trading during any continuous period of more than 6 weeks, the licensee must notify the Independent Liquor &amp; Gaming Authority in writing that the premises have ceased to trade. See form AM0490.</p>
<b>c.38 Resumption of trade</b>	<b>C</b>	<p><b>Licensee must notify when resuming trade</b></p> <p>If the licensed premises resumes trading, the licensee must notify the Authority as soon as practicable. See form AM0495.</p>
<b>c.44 Licensee to keep register of RSA certificates</b>	<b>C</b>	<p><b>Licensee must maintain a responsible service of alcohol register</b></p> <p>The licensee must keep a register containing:</p> <ul style="list-style-type: none"> <li>(a) a copy of any current existing RSA certificate for the licensee, and</li> <li>(b) a copy of any current existing RSA certificate for each staff member whose duties include the sale, supply or service of liquor by retail, and</li> <li>(c) a copy of any current existing RSA certificate for each person employed or engaged by the licensee to carry on activities as a crowd controller or bouncer on or about the licensed premises.</li> </ul> <p>The licensee must make the register available for inspection on request by a police officer or inspector.</p>
<b>c.51 Drinking water to be available free of charge where liquor is served</b>	<b>C</b>	<p><b>Free drinking water must be available</b></p> <p>Drinking water must be available free of charge at all times while liquor is sold or supplied for consumption on the licensed premises – including where liquor is provided for tastings. The drinking water must be available to patrons at or near liquor service points, or by the same means of service that liquor is available (e.g. waiter service).</p>
<b>c.53 Codes of practice</b>	<b>C</b>	<p><b>Licensee must comply with approved Code of Practice</b></p> <p>The licensee must comply with any applicable code of practice approved by the Independent Liquor &amp; Gaming Authority. No code has been approved for hotels at this stage.</p>