

New liquor laws for NSW

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After much anticipation for the NSW wine industry, new liquor laws came into force as of 1 July 2008.

The new Liquor Act 2007 which was passed by the NSW Parliament in December 2007 and the Liquor Regulations 2008 which are in the process of being finalised, contain the most comprehensive changes we have seen to our liquor laws in NSW. They have been designed to reduce complexity and cost to applicants and to simplify and modernise the law, and to aid public understanding.

This article summarises the changes to the liquor laws which impact on the NSW wine industry.

From 1 July, the Liquor Administration Board and the NSW Licensing Court will be abolished and the new Casino, Liquor and Gaming Control Authority ("the Authority") will now deal with all new applications and the administration of existing liquor licenses.

The changes will allow NSW wine producers, brewers, distillers and wholesalers to apply for a producer/wholesaler license. For wine producers, the license will allow:

- the licensee to sell their wine by retail on the licensed premises for consumption away from the licensed premises ("take away sales")
- the existing 45 litre limit on cellar door sales will be abolished and there will be no limit on the volume of cellar door sales the licensee can make to the public
- the licensee can sell or supply their wine at any time on the licensed premises to customers or intending customers for consumption while on the licensed premises, for the purposes of tasting
- the licensee may charge for tasting
- the holder of a Producer/wholesaler license can apply to have their license endorsed with an authorisation that allows the retail sale of the licensee's wine for the consumption by customers on the licensed premises. This category covers customers wanting to have a bottle of your wine with a picnic on the cellar door grounds.
- the licensee may provide tastings of it's wine and sell take away wine at a wine show held by a recognised wine or vineyard association and approved by the

Free Q&A Day

On Friday, 1 August between 10am and 4pm, Rachel Clarke will be available to take calls at no cost from those who wish to discuss the impact of the new NSW liquor law changes to their wine business.

Contact Rachel on (02) 9261 8777

Authority, but only if the local police have been notified in accordance with the regulations

- the licensee may provide tastings or sell take away wine at a farmers market or producers' fair provided the licensee has notified the police and the Authority and has complied with the relevant regulations
- restaurants attached to vineyards will be able to serve alcohol without a meal by making an application to the Authority and only a small processing fee will apply
- vineyards with bed and breakfast and farm stay accommodation can sell alcohol to their customers under license
- a wine producer can obtain one license covering the sale of their wine at multiple premises, but only if each of the premises are operated by the licensee and the premises are all located in the same wine region
- the application fee for a Producer/wholesaler license is now \$500.

Those holding a current vigneron's license will continue under the existing conditions and entitlements attached to the license, and those conditions which existing licensees currently enjoy will not be removed. Under the new laws, the existing licensee will no longer be bound by the 45 litre restriction on cellar door sales. With the appropriate authorisation from the Authority, the licensee can now, under their license, charge for wine tastings, can sell their wine for consumption on the licensed premises and provide tastings and take-away sales at wine shows and producers' fairs and farmers' markets.

Rachel Clarke is qualified both in law and viticulture. She is a partner in Sydney firm, Hogan Geikie Poole Lawyers. You may contact Rachel on (02) 9261 8777 or rclarke@hgplawyers.com.au