

**LIQUOR WITHOUT A MEAL PERMIT FOR RESTAURANTS RESTRICTED
TO 120 PERSONS ON THE PREMISES.
QUESTIONS AND ANSWERS**

1. When can restaurants restricted to 120 persons on the premises start submitting their applications for a liquor without a meal permit?

From 4 June 2013.

2. What is meant by 120 persons?

This figure is equivalent to the small bar provisions contained in the *Liquor Control Act 1988* and represents the total number of persons who can be on the premises at any one time including customers, staff and any other person who remains on the premises (e.g a musician). This also includes any approved outdoor areas.

3. How do restaurants apply for an extended trading permit to sell liquor without a meal?

Restaurants have two options:

- I. If the restaurant is willing to restrict the number of people who can be on the premises at any one time to 120, the modified application process may be used.

OR

- II. If the restaurant wishes to continue to have more than 120 persons on the premises at any one time, the full application process to obtain a permit will apply. This involves the submission of a completed application (Form 6A) together with a Public Interest Assessment, a section 40 certificate, and the payment of the application fee of \$431.

4. What is the modified application process?

The modified application process to obtain an extended trading permit to sell liquor without a meal removes the requirement to submit a public interest assessment. This new process only requires the submission of a completed application (Form 120) and payment of the application fee of \$50.

5. Do licensees need to submit a certificate from the local government authority to show that the premises comply with local planning laws (i.e. section 40 certificate)?

No.

In view of the amendment regulations and the Government's election commitment, the Director of Liquor Licensing will exercise his discretion to waive this requirement for restaurants with a capacity to 120 persons or less. However, licensees still need to ensure that the service of liquor without a meal complies with all relevant local government requirements before submitting the application.

6. How long will applications take to be processed under the modified application process and how long are the permits valid for?

Applicants should receive their permits within 10 days of lodging the application. The permit will be valid for 5 years.

7. Can customers stand at the bar and consume liquor?

No, liquor can only be served to patrons and be consumed by patrons who are seated at a table or a fixed structure used as a table for the eating of food.

8. At what times can liquor be sold/supplied without a meal?

In line with the trading hours for hotels and taverns, liquor will be able to be sold to a patron to consume without a meal during the following hours:

- Monday to Saturday between 6am and midnight.
- Sunday between 10 am and 10pm.

9. Can liquor without a meal be sold after the kitchen is closed?

No, the kitchen must be open and operating with the restaurant's full menu being available at all times liquor is sold and supplied to patrons.

10. For new applications for a restaurant licence that accommodates 120 or less persons, can the application for extended trading permit be considered at the same time as the application for the restaurant licence?

Yes, provided the restaurant will be limited to having 120 or less persons on the premises at any one time. In this circumstance, the \$50 extended trading permit application fee will be waived.

11. Are there any transitional provisions for extended trading permit applications that have been lodged with the Department of Racing, Gaming and Liquor?

Yes, transitional provisions will apply to:

- applications that have not yet been advertised; and
- applications that have been advertised and no objections/interventions were received.

In these circumstances the modified application process will apply.

Applicants in this situation should contact the department to submit a Form 120 (to confirm that the restaurant will be limited to having 120 persons on the premises at any one time) and to apply for a refund of \$381 (difference between the full application fee of \$431 and the modified application fee of \$50).