



Evaluation of Interim Restaurant Authorisations

Discussion Paper

Liquor & Gaming NSW

Contents

About this paper	2
About our evaluation	2
Next steps	2
More information	2
How to give feedback	3
Preparing a written submission	3
Other ways to have your say	3
Background	4
Key issues for comment	8

About this paper

This discussion paper contains information about the evaluation of interim restaurant authorisations. It has been prepared by Liquor & Gaming NSW (L&GNSW) to raise awareness of the purpose and scope of the evaluation and outline how stakeholders can contribute to the evaluation process.

You are invited to give feedback on any of the 'Key issues for consideration' listed at the end of this paper, or any other issues relating to interim restaurant authorisations.

About our evaluation

Interim restaurant authorisations have been available since 31 January 2017. They allow restaurant and café operators to immediately sell liquor upon lodgement of their online liquor licence application, provided certain conditions are met.

The purpose of this evaluation of interim restaurant authorisations is to assess:

- ▲ the extent to which interim restaurant authorisations have achieved their purpose
- ▲ the extent of stakeholder awareness and understanding of interim restaurant authorisations
- ▲ the uptake of interim restaurant authorisations since their introduction, including any factors that may be encouraging or inhibiting uptake
- ▲ the efficiency of the process for issuing interim restaurant authorisations
- ▲ the prevalence of revocations following issuing of an interim restaurant authorisation, the reasons for these revocations, and any improvements that can be made to the revocation process
- ▲ whether the eligibility requirements for an interim restaurant authorisation continue to be the most appropriate
- ▲ whether there are any operational risks associated with the automatic authorisation of restaurants and cafés to sell liquor once an interim restaurant authorisation is issued
- ▲ whether there have been any other impacts of interim restaurant authorisations being issued.

Next steps

L&GNSW will assess stakeholder feedback received during the evaluation and use it to develop recommendations on areas of potential improvement to the interim restaurant authorisation process.

More information

Information about this evaluation, including ways to have your say, is available on the L&GNSW website.

How to give feedback

You may be interested in sharing your views about this evaluation if you are:

- ▲ involved with the liquor industry and have an interest in applying for, or have previously applied for, an on-premises liquor licence for a restaurant or café
- ▲ a liquor industry body that represents restaurants or cafés
- ▲ a government or non-government body with an interest in interim restaurant authorisations
- ▲ a community group or local resident with an interest in providing feedback on interim restaurant authorisations.

L&GNSW is seeking your feedback on interim restaurant authorisations until Monday 27 November 2017.

Preparing a written submission

You can email a submission to eira.submissions@liquorandgaming.nsw.gov.au

Alternatively, you can send a written submission to:

Liquor & Gaming NSW
GPO Box 7060
Sydney NSW 2001

Submissions will be published on the L&GNSW website after the closing date unless you request otherwise. If you wish your submission or a part of it to be treated as confidential, that should be made clear at the time it is lodged, along with reasons why.

Targeted questions are included in this paper to help you prepare your submission.

Other ways to have your say

On-premises liquor licence applicants for a restaurant or café

An [online survey](#) is available if you have applied for an on-premises licence for a restaurant or café since 31 January 2017 and want to share your views about interim restaurant authorisations.

Government, non-government and liquor industry organisations

As part of this evaluation L&GNSW will consult government, non-government, and liquor industry organisations to collect their feedback and views. Feedback collected through these consultations will be considered in the final report.

Background

The NSW Government announced the introduction of interim restaurant authorisations on 8 December 2016. This provisional approval system permits restaurants and cafés to immediately serve liquor once they lodge a liquor licence application online, provided they meet certain requirements.

Interim restaurant authorisations have been available since 31 January 2017. Their purpose is to reduce costs for eligible restaurant and café operators. The authorisation continues in force while the liquor licence application is processed.

An interim restaurant authorisation is issued where the liquor licence application:

- ▲ is lodged online
- ▲ is for an on-premises licence for a restaurant or café
- ▲ only seeks approval to sell liquor with meals during standard trading hours (i.e. 5am to midnight Monday to Saturday and 10am to 10pm on Sunday¹) and with meals
- ▲ does not seek a primary service authorisation (which allows liquor sales without a meal)
- ▲ is made where planning approval, if required, exists for the premises to be used as a restaurant or café with the proposed service of alcohol included in the public exhibition process for that approval.

The interim restaurant authorisation process aims to ensure that:

- ▲ stakeholders, including members of the public, retain the opportunity to have their say about the proposed sale of liquor at these restaurants and cafés
- ▲ controls exist so that venues that do not comply with the liquor laws are prevented from continuing to supply liquor until a full determination of their licence application is made.

Once a liquor licence applicant has been issued an interim restaurant authorisation, he/she is considered to be the licensee for that premises and must comply with the liquor licence conditions and the *Liquor Act 2007*. This includes Responsible Service of Alcohol certification and mandatory liquor law signage requirements.

Following the issue of an interim restaurant authorisation, L&GNSW assesses the liquor licence application as it would for any other on-premises licence application before a decision is made to grant or refuse the licence. Interim restaurant authorisations are exempt from advertising and public submission requirements under the liquor laws given that public consultation has previously occurred during the development approval process.

Applicants who have had an interim restaurant authorisation revoked or an on-premises licence application refused in the past 12 months are ineligible for an interim restaurant authorisation.

¹ Other limitations upon trading hours may be applied to reflect the 6 hour closure requirement, DA approval, or other specific conditions.

The Secretary may revoke an interim restaurant authorisation where:

- ▲ an applicant is asked in writing to provide further information in relation to eligibility for an interim restaurant authorisation, and does not provide it within 30 days, or
- ▲ the sale of liquor on the premises, or operation of the premises, does not meet interim restaurant authorisation requirements, including conditions applying to licensed restaurants under the Liquor Act and Regulation.

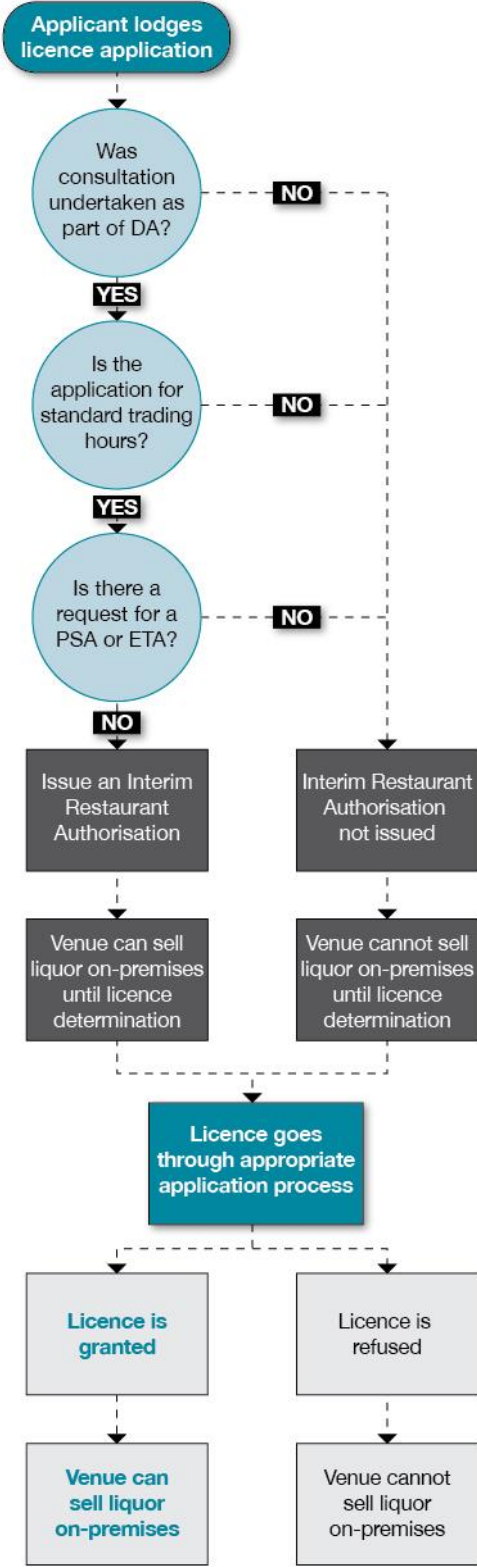
Between their introduction on 31 January 2017 and 16 October 2017, 88 interim restaurant authorisations were issued. A breakdown of the number of interim restaurant authorisations issued by local government area (LGA) is provided in Table 1. The process for issuing an interim restaurant authorisation is displayed in Figure 1.

Table 1: Interim restaurant authorisations issued from 31 January to 16 October 2017

LGA	Number of interim restaurant authorisations issued
City of Sydney	25
Inner West	7
Northern Beaches	5
North Sydney	4
Wollongong	4
Strathfield	3
Randwick	3
Burwood	3
Blue Mountains	2
Byron	2
Camden	2
Canterbury-Bankstown	2
Parramatta	2
Newcastle	2
Waverley	2
Willoughby	2
Bayside	1
Clarence Valley	1
Cumberland	1
Fairfield	1

Federation	1
Georges River	1
Lake Macquarie	1
Maitland	1
Orange	1
Port Stephens	1
Ryde	1
Shoalhaven	1
Snowy Monaro Regional	1
Hornsby	1
Hills Shire	1
Wagga Wagga	1
Wingecarribee	1
Woollahra	1
TOTAL	88

Figure 2: Interim restaurant authorisation process for an on-premises liquor licence application



Key issues for comment

You are invited to give feedback to L&GNSW on any of the questions listed below. You can also provide feedback on additional matters about the CIS requirement that you consider relevant.

1: Has the introduction of interim restaurant authorisations effectively streamlined the application process for lower risk restaurants and cafés whilst retaining appropriate controls and community consultation?

- ▲ Has the introduction of interim restaurant authorisations effectively streamlined processes for lower risk restaurants and cafés to obtain authorisation to sell liquor, so that these businesses can commence trading much sooner where they have appropriate planning approval?
- ▲ Do members of the public have a sufficient opportunity to have their say about the proposed sale of liquor at restaurants and cafés issued with an interim restaurant authorisation?
- ▲ Are appropriate controls in place to ensure that all applicants issued with an interim restaurant authorisation meet the eligibility criteria, including the requirement that public consultation formed part of the development consent process?
- ▲ Are appropriate controls in place to ensure that venues that do not comply with the liquor laws are prevented from continuing to supply liquor until a full determination on their licence application is made?

2: To what extent are stakeholders aware of and understand interim restaurant authorisations?

- ▲ To what extent are stakeholders aware of the availability of interim restaurant authorisations?
- ▲ To what extent do stakeholders understand the eligibility criteria for interim restaurant authorisations?
- ▲ To what extent do stakeholders understand the process by which interim restaurant authorisations are issued?

3: What factors, if any, have encouraged or inhibited uptake of interim restaurant authorisations?

- ▲ What factors, if any, have encouraged uptake?
- ▲ What factors, if any, have inhibited uptake?

4: How efficient is the process for issuing interim restaurant authorisations?

- ▲ How efficient is the process for issuing interim restaurant authorisations?
- ▲ Are there any improvements that can be made to administration of the interim restaurant authorisation process?

5: Are the eligibility requirements for an interim restaurant authorisation the most appropriate?

- ▲ Are the eligibility requirements for an interim restaurant authorisation the most appropriate?
- ▲ Are any of the eligibility requirements for an interim restaurant authorisation affecting uptake?
- ▲ What changes, if any, should be made to the eligibility requirements?

6: Are there any operational risks associated with the automatic authorisation of restaurants and cafés?

- ▲ What operational risks, if any, have been identified in relation to the automatic authorisation of restaurants and cafés to sell liquor once an interim restaurant authorisation is issued?

7: Have there been any other impacts of interim restaurant authorisations being issued?

- ▲ To what extent have interim restaurant authorisations mitigated the risks associated with the consumption of BYO alcohol at restaurants without a liquor licence?
- ▲ Have there been any other impacts or unintended consequences of interim restaurant authorisations?