

## Fact sheet FS3054

# Limited licence – Surf Club

## Statutory conditions and requirements

The *Liquor Act 2007* and Liquor Regulation 2018 govern the conditions that each type of liquor licence must fulfil, alongside its additional ongoing requirements. This fact sheet outlines statutory conditions and requirements for limited licences for surf clubs.

- ▲ The first column refers to sections in the *Liquor Act 2007* (the Liquor Act) and clauses in the Liquor Regulation 2018 (the Liquor Regulation).
- ▲ In the second column, C = licence condition, R = ongoing licence requirement

Section/clause		C/R*	Condition
s.11A	<b>Special licence condition – 6-hour closure period for licensed premises</b>	<b>C</b>	<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 6-hour closure period). The 6-hour closure period is 4am to 10am each day, or as determined by the Independent Liquor &amp; Gaming Authority (ILGA). During the 6-hour closure period, the licensed premises are not authorised to stay open for the retail sale of liquor on the premises.</p> <p>This condition only applies to a limited licence granted on or after 30 October 2008</p>

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Section/clause		C/R*	Condition
s.38	Limited licence – miscellaneous conditions	R	<p><b>How and when liquor may be sold or supplied</b></p> <p>Liquor may only be sold or supplied:</p> <ul style="list-style-type: none"> <li>a) in opened cans, opened bottles or other opened containers (except in the case of a trade fair where take away sales are authorised), and</li> <li>b) at the times specified by ILGA in the licence (except in the case of club social functions held by a surf life saving club).</li> </ul>
		R	<p><b>Supervision requirements</b></p> <p>For liquor to be sold or supplied:</p> <ul style="list-style-type: none"> <li>a) the licensee must be present on the licensed premises at all times, or</li> <li>b) a person nominated by the licensee as the person in charge of the sale and supply of liquor at the function or event must be present on the premises at any time when the licensee cannot be present.</li> </ul>
		R	<p><b>Surf life saving clubs – club social functions</b></p> <p>Liquor may only be sold or supplied at a surf club social function in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>a) the function must be held on the club’s premises (and if the club has several premises, only on its principal premises) and only members of the club and their guests can attend</li> <li>b) the licensee must keep a register on the premises which records the details of functions as required by the Independent Liquor &amp; Gaming Authority</li> <li>c) the function must have been approved by resolution recorded in the records of the governing body of the club</li> <li>d) food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be made available whenever liquor is made available at the function</li> <li>e) liquor must not be made available at the function at any time before 12 noon or after 10 pm on the day on which the function is held</li> <li>f) liquor must not be made available at the function for a period of more than 4 hours</li> <li>g) a member of the club who is an adult and who is not intoxicated must be present in the immediate vicinity of the bar area at all times that minors are present</li> <li>h) police officers and inspectors are to be permitted full and free access to the premises where the function is held, and to the register referred to in paragraph (b), at all times while the function is being held.</li> </ul>
		R	<p><b>What is a surf club social function?</b></p> <p>A social function in relation to a surf life saving club means any gathering of members of the club (and their guests) organised by the club for social purposes.</p>

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Section/clause		C/R*	Condition
s.56	Incident registers	C	<p><b>Limited licence 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 Secretary. 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</li> <li>d) any incident that results in a patron of the licensed premises requiring medical assistance.</li> <li>e) any incident that involves the possession or use on the licensed premises of any substance suspected of being a prohibited plant or drug</li> </ul> <p>The register must also record details of any action taken in response to any such incident.</p> <p>Find out more about <a href="#">incident registers</a></p>
c.44	Availability of licence and licence-related authorisations	C	<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 ILGA or the Secretary 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>
s.93	Cessation of trade	R	<p><b>Licensee must notify when ceasing trade</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>
c.57	Resumption of trade	C	<p><b>Licensee must notify when resuming trade</b></p> <p>If the licensed premises has ceased trading for a continuous period of more than 6 weeks, the licensee must notify the Independent Liquor &amp; Gaming Authority as soon as practicable before trading is resumed. See AM0495: Re-commence trading.</p>

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c.85	<b>Drinking water to be available free of charge where liquor served</b>	<b>C</b>	<b>Free drinking water must be available</b> Drinking water must be available free of charge at all times while liquor is sold or supplied for consumption on the licensed premises. 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).

### Need more information?

To find out more about the liquor laws, contact L&GNSW:

 [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au)

 [Contact us online](#)

 1300 024 720

You can also access the *Liquor Act 2007* and the Liquor Regulation 2018 at [legislation.nsw.gov.au](http://legislation.nsw.gov.au).