

Fact sheet FS3063

Producer/wholesaler licence – beer/spirits

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 a Producer/wholesaler licence – beer/spirits producer.

- ▲ 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	Special licence condition – 6-hour closure period for licensed premises	C	<p>6-hour closure period</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 & Gaming Authority. During the 6-hour closure period:</p> <ul style="list-style-type: none"> ▲ the licensed premises are not authorised to stay open for the retail sale of liquor on the premises, and ▲ the licensee is not authorised to sell take away liquor by retail. <p>This condition only applies to:</p> <ul style="list-style-type: none"> ▲ a producer/wholesaler licence granted on or after 30 October 2008 ▲ a producer/wholesaler licence in force before 30 October 2008, but only where an extended trading authorisation was granted for the licence on or after 30 October 2008 and is in force.
s.32	Wholesale suppliers of liquor	R	<p>Wholesale sales, sales to employees and tastings</p> <p>The licensee can sell liquor by wholesale, at any time on the licensed premises, to other liquor licensees (and other persons authorised to sell liquor). The licensee can also sell or supply liquor at any time on the licensed premises to:</p> <ul style="list-style-type: none"> ▲ employees of the licensee or of a related corporation of the licensee, and ▲ customers and intending customers for tasting purposes.

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Section/clause		C/R*	Condition
s.34	Producers of beer or spirits	R	<p>Authorisation conferred by licence for producer of beer or spirits</p> <p>A licensee who carries on business as a producer of beer or spirits can:</p> <ul style="list-style-type: none"> sell the licensee's product by wholesale, at any time on the licensed premises, to other liquor licensees (and other persons authorised to sell liquor), and make retail sales of the licensee's product, for consumption away from the licensed premises only if it is supplied in sealed containers, on any day of the week during the standard trading period for that day or during extended trading hours (if an extended trading authorisation has been approved), and sell or supply the licensee's product, at any time on the licensed premises, to customers or intending customers for tasting purposes, and sell or supply the licensee's product at any time on the licensed premises to the employees of the licensee or of a related corporation of the licensee.
		R	<p>How is licensee's product defined?</p> <p>Licensee's product is beer or spirits that has been produced on the licensed premises, and is uniquely the licensee's (or a related corporation of the licensee's) own product.</p>
s.55	Requirement to provide information in relation to persons interested in licensee's business	C	<p>Licensee must notify changes to business ownership</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 & 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"> 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 a statement, signed by the licensee, that the licensee has made all reasonable inquiries to ascertain the information referred to in the above paragraph. <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"> 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 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. <p>This information may be provided by the licensee or the interested person. See form AM0555.</p>

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Section/clause		C/R*	Condition
c.56	Change of person interested in licensee's business	C	Change of persons interested in licensee's business 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 & 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.
c.44	Availability of licence and licence-related authorisations	C	Licensee must make liquor licence available 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: <ul style="list-style-type: none"> the licence any licence-related authorisation any conditions imposed by the Independent Liquor & Gaming Authority or Secretary on the licence or the authorisation. This information must be available to any member of staff who: <ul style="list-style-type: none"> sells, supplies or serves liquor on the licensed premises, or carries on any security activity (such as a crowd controller or bouncer) on or about the licensed premises, or exercises any functions under the Liquor Act or Liquor Regulation.
s.93	Cessation of trade	R	Licensee must notify Independent Liquor & Gaming Authority If the licensed premises cease trading during any continuous period of more than 6 weeks, the licensee must notify the Independent Liquor & Gaming Authority in writing that the premises have ceased to trade. See form AM0490.
c.57	Resumption of trade	C	Licensee must notify when resuming trade If the licensed premises has ceased trading for a continuous period of more than 6 weeks, the license must notify the Independent Liquor & Gaming Authority as soon as practicable before trading is resumed. See AM0495: Recommence trading.
c.85	Drinking water to be available free of charge where liquor served	C	Free drinking water must be available 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

 [Contact us online](#)

 1300 024 720

You can also access the *Liquor Act 2007* and the Liquor Regulation 2018 at legislation.nsw.gov.au.