

Fact sheet FS3065

Producer/wholesaler licence – wine/cider/perry/mead

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 – wine/cider/perry/mead 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. <p>This condition does not apply to the sale or supply of liquor to a resident of the licensed premises where the liquor is sold or supplied for consumption in the resident's room.</p>
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.33	Producers of wine and similar products	R	<p>Authorisation conferred by licence</p> <p>A wine producer that has a producer/wholesaler licence can also:</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) ▲ make retail take away sales of the licensee's product on the licensed premises, for consumption away from the licensed premises only, 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) ▲ sell or supply the licensee's product, at any time on the licensed premises, to customers or intending customers for tasting purposes ▲ sell or supply the licensee's product at a wine show, but only if the local police and council have been notified about the wine show by the organiser at least 7 days before it is held (using the approved form, number APP960) ▲ sell or supply the licensee's product at a producers' market or fair, but only if the local police and council have been notified about the market or fair by the organiser at least 7 days before it is held (using the approved form, number APP960) ▲ 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 ▲ sell or supply any liquor in accordance with an approved drink on-premises authorisation. <p>The primary purpose of the business or activity carried out on the licensed premises must be the sale or supply of wine that is the licensee's product.</p>

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Section/clause		C/R*	Condition
s.33	Producers of wine and similar products (continued)	R	<p>How is licensee’s product defined?</p> <p>Licensee’s product that is wine must be uniquely the licensee’s (or a related corporation of the licensee’s) own product, and it must contain at least the following percentage of wine:</p> <ul style="list-style-type: none"> ▲ 50%—in the case of wine that has been produced by or under the direction of the licensee (or a related corporation of the licensee) on the wine producer’s licensed premises or a vineyard related to the licensed premises ▲ 85%—in the case of wine that has been produced on the licensee’s behalf, or under the direction of the licensee or a related corporation of the licensee, from fruit grown on the wine producer’s licensed premises or a vineyard related to the licensed premises. <p>Licensee’s product that is cider, perry or mead must be uniquely the licensee’s (or a related corporation of the licensee’s) own product that has been produced:</p> <ul style="list-style-type: none"> ▲ by or under the direction of the licensee (or a related corporation of the licensee) on the licensed premises, or ▲ on the licensee’s behalf from fruit grown or honey produced by the licensee. <p>Licensee’s product that is not wine, cider, perry or mead must be produced on the wine producer’s licensed premises (or a vineyard related to the licensed premises) from fruit grown on the licensed premises or vineyard. Examples of these products include beverages made from stone fruits.</p>
c.58	Notice relating to industry shows and producers’ markets or fairs	R	<p>Notification requirement</p> <p>Where liquor is to be sold or supplied at an industry show or a producers’ market or fair, the Independent Liquor & Gaming Authority, the local police and the local council must be notified about the show/market/fair by the organiser using the approved form at least 7 days before it is held.</p>

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Section/clause		C/R*	Condition
s.35	Miscellaneous provisions relating to producers of wine and similar producers	R	<p>Multiple premises</p> <p>A wine producer’s licensed premises may comprise more than one set of premises, but only if:</p> <ul style="list-style-type: none"> ▲ each set of premises is operated by the licensee, and ▲ the premises are all located in the same wine region (as determined in accordance with clause 61 of the <i>Liquor Regulation 2018</i>).
		R	<p>Industry shows</p> <p>Liquor may only be sold or supplied by the licensee at an industry show:</p> <ul style="list-style-type: none"> ▲ to customers or intending customers for consumption at the licensee’s display area, but only for tasting purposes, or ▲ in sealed containers for take away. <p>The industry show must be held by a recognised wine or vineyard association or industry association.</p>
		R	<p>Producers’ markets or fairs</p> <p>Liquor may only be sold or supplied by the licensee at a producers’ market or fair:</p> <ul style="list-style-type: none"> ▲ to customers or intending customers for consumption at the licensee’s stall, but only for tasting purposes, and ▲ in sealed containers for take away. <p>A “producers’ market or fair” must be a market or fair at which a minimum of 10 farmers or primary producers display and sell their products directly to the public. The market or fair must be promoted as being a market or fair at which farmers or primary producers display and sell their products directly to the public, and the primary reason for conducting the market or fair must be to enable producers who are displaying their produce to sell directly to the public.</p>
		R	<p>Sale or supply to an intoxicated person at an industry show or producers’ market/fair</p> <p>Liquor must not be sold or supplied by the licensee at any industry show, producers’ market or fair, to a person who is intoxicated.</p>

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Section/clause		C/R*	Condition
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>
c.56	Change of person interested in licensee's business	C	<p>Change of persons interested in licensee's business</p> <p>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.</p>

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s.56	Incident registers	C	<p>Wine producer with retail on-premises sales after midnight at least once a week</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"> ▲ any incident involving violence or anti-social behaviour occurring on the licensed premises ▲ 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 ▲ any incident that results in a person being turned out of the licensed premises under the exclusion provisions of the Liquor Act ▲ any incident that results in a patron of the licensed premises requiring medical assistance. ▲ any incident that involves the possession or use on the licensed premises of any substance suspected of being a prohibited plant or drug. <p>The register must also record details of any action taken in response to any such incident.</p> <p>Find out more about incident registers.</p>
c.44	Availability of licence and licence-related authorisations	C	<p>Licensee must make liquor licence available</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"> ▲ the licence ▲ any licence-related authorisation ▲ any conditions imposed by the Independent Liquor & Gaming Authority or the Secretary on the licence or the authorisation. <p>This information must be available to any member of staff who:</p> <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	<p>Premises ceasing trade – licensee must notify Independent Liquor & Gaming Authority</p> <p>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.</p>

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Section/clause		C/R*	Condition
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.