



New South Wales

Liquor Amendment (Miscellaneous) Regulation 2017

under the
Liquor Act 2007

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 2007*.

PAUL TOOLE, MP
Minister for Racing

Explanatory note

The objects of this Regulation are as follows:

- (a) to consolidate (with some modifications) the special licence conditions that apply, as a consequence of the amendments made to the *Liquor Act 2007* by the *Liquor Amendment (Reviews) Act 2017*, to certain licensed premises in the Sydney CBD Entertainment and Kings Cross precincts,
- (b) to modify the basis on which the compliance history risk loading element of the periodic licence for a liquor licence is payable,
- (c) to enable the Independent Liquor and Gaming Authority to disregard minor departures from (or non-compliance with) the advertising requirements in relation to liquor licence applications in certain circumstances,
- (d) to enable the Secretary of the Department of Industry to revoke an interim restaurant authorisation (which authorises the sale of liquor in a restaurant pending the determination of a licence application) if the requirements and other eligibility criteria for the issuing of the authorisation were not complied with when it was issued,
- (e) to prescribe digital driver licences as an “evidence of age document” for the purposes of the *Liquor Act 2007*,
- (f) to make other amendments of a minor or administrative nature.

This Regulation is made under the *Liquor Act 2007*, including the definition of *evidence of age document* in section 4, and sections 58A, 116I and 159 (the general regulation-making power).

Liquor Amendment (Miscellaneous) Regulation 2017

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Liquor Act 2007

1 Name of Regulation

This Regulation is the *Liquor Amendment (Miscellaneous) Regulation 2017*.

2 Commencement

This Regulation commences on 1 October 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Liquor Regulation 2008

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

high risk venue means a high risk venue within the meaning of section 116B of the Act.

[2] Clause 3 (1), definitions of “liquor sales cessation period” and “lock out period”

Omit the definitions.

[3] Clause 5E Compliance history risk loading element

Omit clause 5E (1) (a). Insert instead:

- (a) \$3,000—if one relevant prescribed offence event has occurred during the relevant compliance period that relates to a prescribed offence committed by the licensee or manager of the licensed premises, or

[4] Clause 5E (1) (b) (i)

Omit the subparagraph. Insert instead:

- (i) 2 relevant prescribed offence events have occurred during the relevant compliance period that relate to prescribed offences committed by the licensee or manager of the licensed premises, or

[5] Clause 5E (1) (c) (i)

Omit the subparagraph. Insert instead:

- (i) 3 or more relevant prescribed offence events have occurred during the relevant compliance period that relate to prescribed offences committed by the licensee or manager of the licensed premises, or

[6] Clause 5E (6), definition of “prescribed offence”

Omit the definition. Insert instead:

prescribed offence has the same meaning as in section 144B of the Act.

[7] Clause 5G Location risk loading element

Omit “the Kings Cross precinct or” wherever occurring.

[8] Clause 5H Patron capacity loading element

Omit 5H (5) (b) (ii). Insert instead:

- (ii) if the patron capacity is not notified to the Secretary before the relevant assessment date or if the Secretary is not satisfied that the patron capacity notified to the Secretary is accurate—the patron capacity determined by the Secretary.

[9] Clause 9C

Insert after clause 9B:

9C Compliance with advertising requirements

- (1) An applicant is taken to have complied with any of the requirements under this Division in relation to an application if the Authority is satisfied that the applicant has made all reasonable efforts to comply with the requirement.
- (2) The Authority may also determine that a failure to comply with a requirement under this Division is to be disregarded for the purposes of this Division if the Authority is satisfied that the failure is of a minor or technical nature.

[10] Clause 16A Issue of interim restaurant authorisation to applicants for restaurant licence

Omit clause 16A (7). Insert instead:

- (7) The Secretary may revoke an interim restaurant authorisation at any time if the Secretary is satisfied that:
 - (a) the requirements or other matters referred to in subclause (1) or (3) (as the case requires) were not complied with, or were not applicable to the licence application, at the time the authorisation was issued, or
 - (b) any requirement referred to in subclause (6) has not been complied with in respect of the premises to which the authorisation relates.

[11] Clause 26 Multiple premises of wine producers

Omit “Division 4 of Part VIB of the *Australian Wine and Brandy Corporation Act 1980*” from clause 26 (1).

Insert instead “*Australian Grape and Wine Authority Act 2013*”.

[12] Clause 36 Display and availability of licence and licence-related authorisations

Insert “or the Secretary” after “Authority” in clause 36 (2) (c).

[13] Clauses 39C (5) (d) and 42A (3)

Omit “clause 53G” wherever occurring. Insert instead “clause 53H”.

[14] Clause 42B Obligations in relation to persons carrying on RSA supervisory duties on licensed premises in Sydney CBD Entertainment precinct

Omit “clause 53ZD” from clause 42B (3). Insert instead “clause 53H”.

[15] Parts 5A and 5B

Omit the Parts. Insert instead:

Part 5A Prescribed precincts

Division 1 Declaration of prescribed precincts

53A Declaration of prescribed precincts

The following precincts are declared to be prescribed precincts for the purposes of the Act:

- (a) Sydney CBD Entertainment precinct,

- (b) Kings Cross precinct.

Note. See Schedule 2 to the Act for a description of the Kings Cross precinct.

Division 2 Special licence conditions

53B Special licence conditions applying to subject premises

- (1) This Division prescribes, for the purposes of section 116I of the Act, conditions to which a licence relating to premises situated in a prescribed precinct is subject.
- (2) Any such premises are referred to in this Division as *subject premises*.

53C “Lock outs” for subject premises

- (1) In this clause:
lock out period means the period on any day of the week between 1.30 am and the commencement of the standard trading period referred to in section 12 (1) (a) (i) of the Act.
- (2) This clause applies to any of the following subject premises (but only if liquor is authorised to be sold for consumption on the premises):
- (a) a hotel or premises to which a general bar licence relates (other than a tourist accommodation establishment),
 - (b) club premises (other than a tourist accommodation establishment),
 - (c) a licensed public entertainment venue (other than a cinema or a theatre) or licensed karaoke bar,
 - (d) so much of a high risk venue as is declared by the Secretary by order in writing to be subject premises for the purposes of this clause,
 - (e) declared premises to which a level 2 licence (within the meaning of Schedule 4 to the Act) relates,
 - (f) premises to which a licence specified in Schedule 1AA relate or the part (as specified in that Schedule) of premises to which such a licence relates.
- (3) The licensee of subject premises to which this clause applies must not permit patrons to enter the premises during the lock out period.
- (4) For the avoidance of doubt, patrons already present in the subject premises immediately before the start of the lock out period may:
- (a) leave the premises at any time, or
 - (b) remain on the premises while the premises are authorised to trade, but are not permitted to re-enter the premises during the lock out period.
- (5) This clause does not prevent a resident of the subject premises from entering the premises during the lock out period.
- (6) This clause does not require the licensee of subject premises to prevent patrons from entering the premises on 1 January in any year.

53D Liquor sales cessation period

- (1) In this clause:
liquor sales cessation period means the period on any day of the week between 3 am and the commencement of the standard trading period referred to in section 12 (1) (a) (i) of the Act.

- (2) This clause applies to any of the following subject premises (but only if liquor is authorised to be sold for consumption on the premises):
 - (a) a hotel or premises to which a general bar licence relates (other than a tourist accommodation establishment),
 - (b) club premises (other than a tourist accommodation establishment),
 - (c) a licensed public entertainment venue (other than a cinema or a theatre) or licensed karaoke bar,
 - (d) so much of a high risk venue as is declared by the Secretary by order in writing to be subject premises for the purposes of this clause,
 - (e) declared premises to which a level 1 or level 2 licence (within the meaning of Schedule 4 to the Act) relates,
 - (f) premises to which a licence specified in Schedule 1AA relate or the part (as specified in that Schedule) of premises to which such a licence relates.
- (3) Liquor must not be sold or supplied on subject premises to which this clause applies during the liquor sales cessation period.
- (4) Subclause (3) does not in itself prevent the continued provision, or making available, of other services and facilities on the subject premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings and for gambling activities that are otherwise permitted on the premises).
- (5) Despite section 103 (1) of the Act, a bar area or other part of a hotel referred to in that subsection may remain open for the sale and supply of non-alcoholic beverages, or food, only during the period when liquor is not permitted to be sold or supplied under this clause.

53E Glasses prohibited during general late trading period

- (1) This clause applies to the following subject premises (but only if liquor is authorised to be sold for consumption on the premises):
 - (a) in the case of subject premises situated in the Kings Cross precinct:
 - (i) a hotel (including the premises to which a general bar licence relates), or
 - (ii) club premises, or
 - (iii) a licensed public entertainment venue (other than a cinema) or licensed karaoke bar, or
 - (iv) a licensed restaurant in respect of which an authorisation under section 24 (3) of the Act is in force,
 - (b) in the case of subject premises situated in the Sydney CBD Entertainment precinct—premises that the Secretary has, by notice in writing served on the licensee, declared to be premises to which this clause applies.
- (2) The Secretary may make a declaration under subclause (1) (b) only if the Secretary is satisfied that:
 - (a) there has been a history of alcohol-related violence on the premises, or
 - (b) an incident has occurred on the premises involving an act of violence that has caused a serious injury to a person.

- (3) During the general late trading period, any drink (whether or not it contains liquor) sold or supplied for consumption on subject premises to which this clause applies must not be served or supplied in a glass.
- (4) During the general late trading period, glasses must be removed from patrons on subject premises to which this clause applies and from any area of the premises to which patrons have access.
- (5) In this clause:
glass means:
 - (a) a drinking vessel, or
 - (b) a container (such as a bottle or jug) from which drinks can be poured, that is made wholly or principally of glass.

53F Certain drinks and other types of liquor sales prohibited during general late trading period

- (1) This clause applies to subject premises (other than a small bar) if liquor is authorised to be sold for consumption on the premises.
- (2) The following drinks must not be sold or supplied on subject premises during the general late trading period:
 - (a) any drink (commonly referred to as a “shot”, a “shooter” or a “bomb”) that is designed to be consumed rapidly,
 - (b) any drink containing more than 50% spirits or liqueur,
 - (c) any ready to drink beverage with an alcohol by volume content of more than 5%,
 - (d) any drink prepared on the premises that contains more than 30 ml of spirits or liqueur.
- (3) Subclause (2) does not (subject to subclause (4)) prevent the sale or supply of any alcoholic drink (commonly known as a “cocktail”) that contains spirits or liqueur (or both) mixed with other ingredients and that is not designed to be consumed rapidly.
- (4) Subclause (3) applies only if:
 - (a) the alcoholic drink is listed on a document prepared by the licensee that is displayed on the subject premises and itemises the cocktails that may be sold or supplied on the premises during trading hours and the amount payable for each such cocktail throughout or during any particular period during those trading hours (the *cocktail list*), and
 - (b) no alcoholic drink listed on the cocktail list is sold or supplied on the subject premises between midnight and 3.30 am (or such earlier time at which the premises are required to cease serving liquor) at less than the amount specified on the cocktail list.
- (5) During the general late trading period, no more than:
 - (a) 4 alcoholic drinks (whether or not of the same kind), or
 - (b) the contents of one bottle of wine,may be sold or supplied on subject premises to the same person at any one time.
- (6) Despite subclause (5), no more than 2 alcoholic drinks (whether of the same or a different kind) may be sold or supplied on subject premises to the same person at any one time between 2 am and 7 am (or such earlier time at which the premises are required to cease serving liquor).

- (7) In this clause:
ready to drink beverage means an alcoholic mixed beverage that is prepared by the manufacturer.

53G Promotion of rapid consumption drinks

The licensee of subject premises must not promote or publicise or cause to be promoted or publicised by any means (on the subject premises or elsewhere):

- (a) the supply of any free or discounted drinks (including, but not limited to, a “shot”, a “shooter” or a “bomb”) that are designed to be consumed rapidly on the subject premises, or
- (b) any inducement (such as a prize or free give-away or similar incentive) to purchase any drink designed to be consumed rapidly on the subject premises.

53H Requirement for RSA marshals during supervised trading period—Sydney CBD Entertainment precinct

- (1) This clause applies to subject premises situated in the Sydney CBD Entertainment precinct that the Secretary has, by notice in writing served on the licensee, declared to be premises to which this clause applies.
- (2) The Secretary may make a declaration under subclause (1) only if the Secretary is satisfied that:
 - (a) there has been a history of alcohol-related violence on the premises, or
 - (b) an incident has occurred on the premises involving an act of violence that has caused a serious injury to a person.
- (3) The licensee must ensure that at least one RSA marshal is carrying out RSA supervisory duties on the subject premises to which this clause applies at all times after midnight during the supervisory trading period.
- (4) The licensee of subject premises to which this clause applies must ensure that any person who is carrying out RSA supervisory duties as required by this clause is, while carrying out those duties, wearing clothing that identifies the person as an RSA marshal.
- (5) In this clause and in clause 53I:

RSA marshal means a person who is employed for the purposes of carrying out RSA supervisory duties on subject premises.

RSA supervisory duties means the following:

- (a) monitoring responsible service of alcohol practices by members of staff of subject premises who are selling, supplying or serving liquor,
- (b) engaging with those staff, and with patrons on the premises, for the purposes of encouraging responsible attitudes and practices in relation to the promotion, sale, supply, service and consumption of liquor,
- (c) monitoring alcohol consumption by patrons and their behaviour for signs of irresponsible, rapid or excessive consumption of alcohol and for signs of intoxication,
- (d) intervening at any early stage to assist in the prevention of intoxication and anti-social behaviour (such intervention may include suggesting that patrons moderate their alcohol consumption by consuming food or non-alcoholic beverages).

supervised trading period, in relation to subject premises, means the period between midnight on any Friday or Saturday, or midnight on any public

holiday night or night before a public holiday, and 3.30 am (or such earlier time at which the premises are required to cease serving liquor).

53I Requirement for RSA marshals during supervised trading period—Kings Cross precinct

- (1) This clause applies to subject premises (other than a small bar) situated in the Kings Cross precinct, but only if liquor is authorised to be sold for consumption on the premises.
- (2) In the case of class 1 subject premises, the licensee must ensure that at least 2 RSA marshals are carrying out RSA supervisory duties on the premises at all times during the supervised trading period.
- (3) In the case of class 2 subject premises, the licensee must ensure that at least one RSA marshal is carrying out RSA supervisory duties on the premises at all times during the supervised trading period.
- (4) The licensee of subject premises to which this clause applies must ensure that any person who is carrying out RSA supervisory duties as required by this clause is, while carrying out those duties, wearing clothing that identifies the person as an RSA marshal.
- (5) In this clause:
class 1 subject premises means any of the following:
 - (a) a hotel (including the premises to which a general bar licence relates),
 - (b) club premises,
 - (c) a licensed public entertainment venue (other than a cinema or a theatre).*class 2 subject premises* means any of the following:
 - (a) a licensed theatre or karaoke bar,
 - (b) a licensed restaurant in respect of which an authorisation under section 24 (3) of the Act is in force.

53J Appointment and presence of approved managers in high risk venues—Kings Cross precinct

- (1) The licensee of a high risk venue in the Kings Cross precinct that is specified in Schedule 1C must appoint a person approved by the Secretary under section 116I (2) (i) of the Act to be present in the venue from 9 pm each day until 7 am the following day or until the venue ceases trading, whichever occurs first.
- (2) The presence of such a person is not required at any time that:
 - (a) the licensee, or
 - (b) in the case of any such venue for which a manager is appointed under section 66 of the Act—the manager,is present in the venue.

53K CCTV systems to be maintained on subject premises in Kings Cross precinct

- (1) This clause applies to the following subject premises situated in the Kings Cross precinct (but only if liquor is authorised to be sold for consumption on the premises):
 - (a) a hotel (including the premises to which a general bar licence relates),
 - (b) club premises,

- (c) a licensed public entertainment venue (other than a cinema) or licensed karaoke bar,
 - (d) a licensed restaurant that is authorised to trade after midnight on any day of the week and in respect of which an authorisation under section 24 (3) of the Act is in force,
 - (e) licensed premises that are the subject of a declaration under subclause (4).
- (2) The licensee of subject premises to which this clause applies must maintain a closed-circuit television system on the premises in accordance with the following requirements:
- (a) the system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
 - (b) recordings must be in digital format and at a minimum of 6 frames per second,
 - (c) any recorded image must specify the time and date of the recorded image,
 - (d) the system's cameras must cover the following areas:
 - (i) all entry and exit points on the premises,
 - (ii) the footpath immediately adjacent to the premises,
 - (iii) all publicly accessible areas (other than toilets) on the premises.
- (3) The licensee of subject premises to which this clause applies must:
- (a) keep all recordings made by the CCTV system for at least 30 days, and
 - (b) ensure that the system is accessible by at least one member of staff at all times it is in operation, and
 - (c) provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.
- (4) The Secretary may, by notice in writing served on the licensee of subject premises situated in the Kings Cross precinct, declare the premises to be premises to which this clause applies, but only if the Secretary is satisfied that:
- (a) there has been a history of alcohol-related violence on the premises, or
 - (b) an incident has occurred on the premises involving an act of violence that has caused a serious injury to a person.
- (5) The licensee of any such declared subject premises must comply with the requirements of this clause as soon as practicable (or in any case no later than 4 weeks) after being notified of the declaration.

53L "Round the clock" incident register

- (1) The licensee of subject premises must maintain a register, in the form approved by the Secretary, in which the licensee is to record, in the manner approved by the Secretary, the details of any of the following incidents and any action taken in response to any such incident:
- (a) any incident involving violence or anti-social behaviour occurring on the premises,
 - (b) any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the

- premises and that involves a person who has recently left, or been refused admission to, the premises,
- (c) any incident that results in a person being turned out of the premises under section 77 of the Act,
 - (d) any incident that results in a patron of the premises requiring medical assistance.
- (2) The licensee of subject premises must, if requested to do so by a police officer or inspector:
- (a) make any such incident register immediately available for inspection by a police officer or inspector, and
 - (b) allow a police officer or inspector to take copies of the register or to remove the register from the premises.
- (3) The licensee of subject premises must ensure that the information recorded in an incident register under this clause is retained for at least 3 years from when the record was made.
- (4) Section 56 of the Act does not apply in relation to the licence for any subject premises.

53M Other requirements relating to violent incidents

- (1) The licensee of subject premises must, immediately after the licensee or a staff member becomes aware of an incident on the premises involving an act of violence that has caused an injury to a person, ensure:
- (a) that all reasonable steps are taken to preserve and keep intact the area where the incident occurred and that any implement or other thing associated with the act of violence is retained in accordance with guidelines issued by the NSW Police Force relating to the preservation of crime scenes, and
 - (b) that the Local Area Commander of the local police area in which the premises are situated is advised by a staff member of the incident, and
 - (c) that any directions given by the Commander to the licensee or a staff member to preserve or keep intact the area where the incident occurred are complied with.
- (2) In this clause:
- staff member*, in relation to subject premises, means any employee or agent of, or person purporting to act on behalf of, the licensee of the premises, and includes any person who is employed to carry on activities as a crowd controller or bouncer on or about the premises.

53N Exclusion of persons from subject premises

- (1) This clause applies to subject premises if liquor is authorised to be sold for consumption on the premises.
- (2) The licensee of subject premises to which this clause applies must not permit any person to enter the premises, or to remain on the premises, if the person is wearing or carrying any clothing, jewellery or accessory displaying:
- (a) the name of any of the following motorcycle-related and similar organisations:
 - (i) Bandidos,
 - (ii) Black Uhlands,
 - (iii) Comanchero,

- (iv) Finks,
 - (v) Fourth Reich,
 - (vi) Gladiators,
 - (vii) Gypsy Joker,
 - (viii) Hells Angels,
 - (ix) Highway 61,
 - (x) Life and Death,
 - (xi) Lone Wolf,
 - (xii) Mongols,
 - (xiii) Muslim Brotherhood Movement,
 - (xiv) Nomads,
 - (xv) Odin's Warriors,
 - (xvi) Outcasts,
 - (xvii) Phoenix,
 - (xviii) Rebels,
 - (xix) Rock Machine,
 - (xx) Satudarah, or
- (b) the colours, club patch, insignia or logo of any such organisation, or
 - (c) the "1%" or "1%er" symbol, or
 - (d) any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in paragraph (a).

53O Prohibition on entering premises in Sydney CBD Entertainment precinct after drinking in alcohol-free zone or alcohol prohibited area

- (1) This clause applies to subject premises situated in the Sydney CBD Entertainment precinct, but only if liquor is authorised to be sold for consumption on the premises and the premises are located in or near an alcohol-free zone or alcohol prohibited area under the *Local Government Act 1993*.
- (2) If the licensee or a staff member of subject premises to which this clause applies observes a person drinking alcohol in any such zone or area or has reasonable cause to believe a person has recently been drinking alcohol in that area or zone, the licensee or staff member must not permit the person to enter the subject premises.
- (3) In this clause:
staff member, in relation to subject premises to which this clause applies, means any employee or agent of, or person purporting to act on behalf of, the licensee of the premises, and includes any person who is employed to carry on activities as a crowd controller or bouncer on or about the premises.

53P Removal of litter from outside of premises—Kings Cross precinct

The licensee of subject premises situated in the Kings Cross precinct must ensure that the footpath directly adjacent to the premises is cleared of any litter:

- (a) in the case of premises that are authorised to trade after midnight—each hour between midnight and closing time or 5 am (whichever is the earlier), and
- (b) within 30 minutes of closing time (if any).

53Q Exemptions on application by licensee of subject premises

- (1) The Secretary may, on application by the licensee of subject premises and payment of a reasonable fee, exempt the licensee, by order in writing served on the licensee, from any provision of this Division.
- (2) The Secretary may grant an exemption under this clause only if the Secretary is satisfied that:
 - (a) the exemption is unlikely to result in an increase in the level of alcohol-related violence or anti-social behaviour or other alcohol-related harm in the prescribed precinct in which the subject premises are situated, and
 - (b) measures other than the specified condition to which the exemption relates are in place on the subject premises and that such measures will be effective in reducing the risk of alcohol-related violence or anti-social behaviour on or about the subject premises.
- (3) An exemption under this clause may, if the relevant order so provides, apply in relation to a specified part of the subject premises concerned.
- (4) An application for an exemption under this clause must be in the form and manner approved by the Secretary.
- (5) An order under this clause may be varied or revoked by the Secretary by a subsequent order in writing served on the licensee concerned.

53R General exemption relating to residents of tourist accommodation establishments

This Division does not apply to or in respect of the sale or supply of liquor to a resident of subject premises that is a tourist accommodation establishment if liquor is sold or supplied for consumption only in the room in which the resident is residing or staying.

53S Live entertainment venues—exemption from “lock out” and liquor sales cessation restrictions

- (1) The Secretary may, on application by the licensee of subject premises and payment of a reasonable fee, exempt the licensee from clause 53C (3) or 53D (3) by order in writing served on the licensee.
- (2) An exemption from clause 53C (3) is subject to the condition that patrons must not be permitted to enter the subject premises during the period on any day of the week between 2 am and the commencement of the standard trading period referred to in section 12 (1) (a) (i) of the Act. Clause 53C (4)–(6) extend to the condition under this subclause as if references in those subclauses to the lock out period were references to the period referred to in this subclause.
- (3) An exemption from clause 53D (3) is subject to the condition that liquor must not be sold or supplied on the subject premises during the period on any day of the week between 3.30 am and the commencement of the standard trading period referred to in section 12 (1) (a) (i) of the Act. Clause 53D (4) and (5) extend to the condition under this subclause.

- (4) An exemption from clause 53C (3) or 53D (3) is also subject to the condition that, on any night of the week on which the exemption applies in relation to the subject premises concerned, live entertainment must be held or provided after midnight on the premises.
- (5) An order may only be made under this clause in relation to subject premises if the Secretary is of the opinion that the premises have a market orientation towards live performances, the arts and cultural events and endeavours.
- (6) In forming any such opinion, the Secretary is to take the following matters into consideration:
 - (a) whether tickets for live entertainment on the premises can be purchased,
 - (b) whether the premises are covered by a licence issued by APRA AMCOS (the Australasian Performing Right Association and the Australasian Mechanical Copyright Owners Society),
 - (c) whether the premises are used in connection with artistic or cultural festivals,
 - (d) any other matter the Secretary considers relevant.
- (7) In determining an application for an exemption under this clause, the Secretary may, without limitation, take into consideration the compliance history of the subject premises in relation to the requirements of this Division and the requirements of Division 1 of Part 5A and Division 2 of Part 5B (as in force before the commencement of the *Liquor Amendment (Miscellaneous) Regulation 2017*).
- (8) An exemption under this clause may, if the relevant order so provides, apply in relation to a specified part of the subject premises concerned.
- (9) An order under this clause may be varied or revoked by the Secretary by a subsequent order in writing served on the licensee concerned.
- (10) An application for an exemption under this clause must be in the form and manner approved by the Secretary.
- (11) A reference in this clause to subject premises does not include a reference to any subject premises that:
 - (a) are premises to which a level 1 licence (within the meaning of Schedule 4 to the Act) relate, or
 - (b) comprise a karaoke bar, or
 - (c) in the opinion of the Secretary operate solely as a nightclub or are used primarily to provide adult entertainment of a sexual nature.
- (12) This clause does not limit the operation of clause 53Q.
- (13) In this clause:

live entertainment means:

 - (a) an event at which one or more persons are engaged to play or perform live or pre-recorded music, or
 - (b) a performance at which the performers (or at least some of them) are present in person.

53T Alcohol sales data—Kings Cross precinct

- (1) This clause applies to subject premises situated in the Kings Cross precinct, but only if liquor is authorised to be sold for consumption on the premises.

- (2) The licensee of subject premises to which this clause applies must record the amount of liquor sold or supplied for consumption on the premises during the evening trading period.
- (3) Any such record must:
 - (a) be in the form, and be kept in the manner, approved by the Secretary, and
 - (b) be made available for inspection on request at any time by an authorised officer.
- (4) In the case of a high risk venue specified in Schedule 1C, the amount of liquor sold or supplied during the evening trading period is to be recorded on an hourly basis.
- (5) In the case of any other subject premises to which this clause applies, the amount of liquor sold or supplied during the evening trading period is to be recorded on a daily basis.
- (6) At the end of each quarterly period commencing 1 July, 1 October, 1 January and 1 April in any year, a composite record of the amount of liquor sold or supplied during the quarterly period is to be provided to the Secretary. Any such composite record is to be in the form approved by the Secretary.
- (7) For the purposes of this clause, the *evening trading period* is the period:
 - (a) between 8 pm and the time that the premises are required to cease trading, or
 - (b) in the case of subject premises that are not required to cease trading—between 8 pm and 5 am on the next day.

Division 3 Patron ID scanning

53U Minors exempted from patron ID scanning requirements

Section 116E (1) (a) and (b) of the Act do not apply in relation to minors who are authorised to enter high risk venues.

53V Time of use of patron ID scanners

Section 116E (1) (a) and (b) of the Act do not apply in relation to a licence for a high risk venue during any period outside the times approved by the Secretary and notified to the licensee under section 116E (1) (c) of the Act.

53W Information recorded by patron ID scanners

For the purposes of section 116E (1) (e) of the Act, the following information is prescribed in relation to a person:

- (a) the person's name, date of birth and residential address,
- (b) the photograph appearing on the person's photo ID,
- (c) a photograph of the person taken by the patron ID scanner at the time the person's photo ID is scanned.

[16] Clause 65B

Insert after clause 65A:

65B Prescribed precincts

- (1) Anything done under Part 5A or 5B (including, without limitation, any approval or order given or made under those Parts) that, immediately before

the repeal of those Parts by the amending Regulation, had effect under those Parts is taken to have been done, and to have effect, under Part 5A as inserted by the amending Regulation.

- (2) Without limiting subclause (1), any subject premises order made before the repeal of Parts 5A and 5B by the amending Regulation is validated and, unless subsequently revoked by the Secretary, has effect on and from the commencement of Part 5A as inserted by the amending Regulation.
- (3) In this clause:
amending Regulation means the *Liquor Amendment (Miscellaneous) Regulation 2017*.
subject premises order means an order made by the Secretary under:
- (a) paragraph (d) of the definition of **subject premises** in clause 53C (1) or 53D (1) as in force before the repeal of Part 5A by the amending Regulation, or
 - (b) paragraph (d) of the definition of **CBD subject premises** in clause 53Y (1) or 53Z (1) as in force before the repeal of Part 5B by the amending Regulation.

[17] Clause 67A

Omit the clause. Insert instead:

67A Definition of “evidence of age document”

For the purposes of paragraph (f) of the definition of **evidence of age document** in section 4 (1) of the Act, the following are prescribed as evidence of age documents:

- (a) a proof of age card issued by Australia Post (known as a “Keypass identity card”) for the purpose of attesting to a person’s identity and age,
- (b) a digital driver licence within the meaning of Part 3.7 of the *Road Transport Act 2013*, but only if the licence indicates (by reference to the person’s date of birth or otherwise) that the holder of the digital driver licence has attained a particular age.

[18] Clause 79 Exceptions to temporary freeze on licences and other authorisations

Omit clause 79 (1), (1A) and (3).

[19] Schedule 1A Prescribed precincts

Insert before the heading to Part 1:

Note. The Kings Cross precinct (as defined in the Act) is declared under clause 53A to be a prescribed precinct.

[20] Schedules 1B–1E

Omit Schedules 1B and 1C. Insert instead:

Schedule 1B Sydney CBD Entertainment precinct—high risk venues

The licensed premises to which any of the licences referred to in this Schedule relate are specified as high risk venues for the purposes of section 116B (2) (b) of the Act. Any change of name of licensed premises as referred to in this Schedule (whether before, on or after 1 October 2017) does not affect the application of this Schedule to the licence for those premises.

Licence Number	Name of licensed premises
LIQO624006319	77 Nightclub
LIQH400103239	Ambar Bar
LIQH440010073	Appetito Pizzeria & Bar
LIQO600462839	Argyle Tavern
LIQH400106688	Artwork in Progress
LIQH400110154	ARQ Sydney
LIQH400103387	Bar 333
LIQO624008448	Bar Brose Dining
LIQH400101163	Bar Century
LIQH400104049	Bar Luca
LIQH424009187	Barrio Cellar
LIQO624009952	Bavarian Bier Cafe York
LIQH400104545	Beauchamp Hotel
LIQO624012364	Beer DeLuxe (Sydney)
LIQH400100485	Bells Hotel
LIQO624009218	Bobby's Boss Dogs and the Soda Factory
LIQC300225925	Bowlers Club of NSW Ltd
LIQH400100752	Brighton Hotel
LIQH400106408	Bristol Arms Retro Tavern
LIQH400120923	Buckleys Sydney
LIQH400122470	Bull and Bear Sydney
LIQH400103859	Bungalow 8 Hotel
LIQH400100892	Burdekin Hotel
LIQH400115733	Cargo Bar
LIQO624015653	CEO Karaoke
LIQH400101171	Chamberlain Hotel
LIQH400101910	Charlie Chan's Bar and Bottle Shop
LIQH400103093	Cheers Bar and Grill
LIQC300229041	City of Sydney RSL & Community Club Limited
LIQC300226433	City Tattersalls Club
LIQH400101279	Civic Hotel
LIQH400103271	Concourse Bar
LIQH400104294	Coolabar Bar/Restaurant
LIQH400101465	Coronation Hotel
LIQH400101538	Court House Hotel
LIQH400101546	Covent Garden Hotel

Licence Number	Name of licensed premises
LIQH400101619	Criterion Hotel
LIQH400101686	Crown Hotel
LIQH400104103	Cruise Hotel
LIQH400101740	Crystal Palace Hotel
LIQH400102224	Della Hyde
LIQO624007136	Dockside
LIQO624008978	Dynasty Karaoke
LIQH400101996	East Sydney Hotel
LIQH440010034	Eau-de-Vie
LIQH400102011	Edinburgh Castle Hotel
LIQH400111592	Establishment Hotel
LIQH400102321	Forbes Tavern Hotel
LIQH400102380	Fortune of War Hotel
LIQH400104693	Frankies Pizza By The Slice
LIQO624013849	Gala KTV Club
LIQH400102143	Gaslight Inn Hotel
LIQH400102577	Glenmore Hotel
LIQH424007712	GPO Sydney
LIQH400102682	Grand Hotel
LIQH400102739	Great Southern Hotel
LIQH400102771	Green Park Hotel
LIQH440010027	Harts Pub
LIQH400101112	Helm Bar
LIQH400102992	Hollywood Hotel
LIQH400108818	Home Nightclub
LIQH400105355	Hotel CBD
LIQH400101082	Hotel Chambers
LIQH400100604	Hotel Downing
LIQH400103654	Hotel Harry
LIQH400102399	Hotel Sweeney's
LIQO624006654	Hudson Ballroom
LIQH400102283	Ivy
LIQH400104766	Jacksons on George
LIQO624014889	K Square Karaoke
LIQO624015081	K1 Karaoke Lounge
LIQO624008450	King St Brewhouse & Restaurant
LIQH400106262	Kinselas Hotel

Licence Number	Name of licensed premises
LIQO660010294	Lantern By Wagaya
LIQH400108613	Laughing Buddha Bar
LIQH400105940	Le Pub
LIQH400103573	Lord Nelson Hotel
LIQH400103603	Lord Roberts Hotel
LIQH400106114	Maloney's Hotel
LIQH400113374	Martin Place Bar
LIQO624006152	Men's Gallery Sydney
LIQH400103840	Mercantile Hotel
LIQH400114443	Merivale at the Angel
LIQH400103883	Metropolitan Hotel
LIQH400104383	Midnight Shift Hotel
LIQO624006286	Miind Nightclub
LIQH400102941	Mountbatten Hotel
LIQH400101864	Mr B's Hotel
LIQH400100191	Munich Brau Haus, The Rocks
LIQH400101252	Mr Tipples
LIQO624006653	Nevermind Nightclub
LIQC300229009	New South Wales Leagues Club
LIQH400106599	New Windsor Hotel
LIQH400104340	Observer Hotel
LIQH400104359	Occidental Hotel
LIQH400104413	Orient Hotel
LIQO624014771	Oxford Art Factory
LIQH400104480	Oxford Hotel
LIQH400104553	Palace Hotel Sydney Since 1877
LIQO624008073	Palms on Oxford Nightclub
LIQO624004559	Paradiso Terrace
LIQH400104596	Paragon Hotel
LIQH400105592	Pavillion Tavern
LIQH440018953	PJ O'Brien's Irish Pub
LIQO624008199	Play Karaoke
LIQH424007134	Pontoon Bar
LIQH400104200	Prince William Hotel
LIQO624007501	Pure Platinum
LIQH400121709	QT Sydney
LIQO624007139	Quay Bar

Licence Number	Name of licensed premises
LIQH424007943	Rabbit Hole Bar
LIQH400104243	Roof Bar
LIQC300230120	Rugby Club Limited
LIQH400105606	Ryan's Bar
LIQO624006549	Salon De The Restaurant
LIQH400110480	Sanctuary Hotel
LIQH440010015	Scary Canary
LIQH400110200	Scruffy Murphy's
LIQH424006304	Scubar Down Under
LIQH400105495	Shark Hotel
LIQH424008188	Shelbourne Hotel
LIQH400113595	Ship Inn
LIQH424009765	Side Bar
LIQO624015707	Simmer on the Bay
LIQH400105614	Sir John Young Hotel
LIQO624013940	Slide Lounge
LIQH400101562	Slip Inn
LIQH400101120	St James Hotel
LIQH400103441	Star Bar & Grill
LIQH400105746	Star Hotel
LIQO624013586	Star Room
LIQH400100671	Stilo Bar Deli Cafe
LIQH424006252	Stonewall Hotel
LIQH400105819	Strand Hotel
LIQO624015145	Strike KSW
LIQH400104162	Swine and Co
LIQH400100035	Sydney Hilton Hotel
LIQH400105894	Syds Champagne Bar
LIQH400102534	The 3 Wise Monkeys Pub
LIQH400100868	The Albion Place Hotel
LIQH400102038	The Arthouse Hotel
LIQH400100418	The Basement
LIQH440010080	The Baxter Inn
LIQH400100558	The Beresford Hotel
LIQH424009949	The Blacket Hotel
LIQO624006310	The Cauldron
LIQO624006608	The Cliff Dive Pty Ltd

Licence Number	Name of licensed premises
LIQH400104448	The Colombian Hotel
LIQH400100140	The Cuckoo's Perch
LIQH400100086	The Flinders Hotel, Darlinghurst
LIQH400106424	The Flynn
LIQO600407544	The Governors Pleasure Restaurant
LIQH400110081	The Haymarket Hotel
LIQH424015318	The Heritage Belgian Beer Cafe
LIQH400102887	The Langham, Sydney
LIQH400108672	The Local Taphouse (Darlinghurst) Pty Ltd
LIQO624004483	The Metro Theatre
LIQH400100825	The Morrison Bar & Oyster Room
LIQH400104855	The Office Hotel
LIQO624006625	The Oxford Circus 231 Pty Limited
LIQH400105681	The Porterhouse
LIQH400106203	The Republic Hotel
LIQO624013867	The Scary Canary
LIQH400104138	The Sussex Hotel
LIQO624006970	The Velvet Underground Sydney
LIQH400106246	The Verandah Bar & Bistro
LIQH400104987	Triple 8 Hotel
LIQH400104154	Triple Ace Bar
LIQH400105533	V Bar Sydney
LIQH400115709	Vault
LIQH400103646	Woolloomooloo Bay Hotel

Schedule 1C Kings Cross precinct—high risk venues

The licensed premises to which any of the licences referred to in this Schedule relate are specified as high risk venues for the purposes of section 116B (2) (b) of the Act. Any change of name of licensed premises as referred to in this Schedule (whether before, on or after 1 October 2017) does not affect the application of this Schedule to the licence for those premises.

Licence number	Name of licensed premises
LIQO624013096	Bada Bing Night Spot
LIQH440010036	Beachhaus
LIQO600432026	Barrio Chino
LIQO624006680	Candy's Nightclub
LIQO624013697	Velvet Underground Potts Point
LIQO600402925	Crane Bar Sydney Pty Ltd

Licence number	Name of licensed premises
LIQO624012240	Dancers Cabaret
LIQO624006535	The Club Sydney
LIQH424006058	First Empire Hotel
LIQH400102909	New Hampton Pty Ltd
LIQO624009263	Hugo's Lounge
LIQO624006713	Dollhouse Nightspot
LIQO624006254	Luna Nightclub
LIQH400103719	Mansions Hotel
LIQH400105908	O'Malleys Hotel
LIQH400104731	Piccadilly Hotel
LIQO624006715	Bellini Lounge Pty Ltd
LIQO624002107	Showgirls
LIQH400106750	Sugarmill Hotel
LIQO624006580	The Backroom
LIQH400101244	The Bank Hotel Sydney
LIQH400110111	The Bourbon
LIQH400106742	The Crest Hotel
LIQH400103247	The Kings Cross Hotel
LIQH400103255	The World Bar
LIQH400103816	Studio 54 Hotel
LIQO624006734	Tunnel Nightclub
LIQH400100809	Vegas Hotel

Schedule 1D High risk venue exceptions—Sydney CBD Entertainment precinct

The licensed premises to which any of the licences referred to in this Schedule relate are not high risk venues for the purposes of Division 4 of Part 6 of the Act. Any change of name of licensed premises as referred to in this Schedule (whether before, on or after 1 October 2017) does not affect the application of this Schedule to the licence for those premises.

Licence number	Name of licensed premises
LIQO600400396	360 Degrees Bar & Dining Room
LIQO624008623	Adria Bar Restaurant
LIQH424008103	Amora Hotel Jamison Sydney
LIQO624007948	Aria Restaurant
LIQO624006375	At Bangkok
LIQC300225313	Australian Club
LIQO624012964	B.B.Q. City Restaurant
LIQO624007233	Blackbird Cafe Restaurant

Licence number	Name of licensed premises
LIQO624001282	Cafe Museum
LIQO600408400	Cafe Nice
LIQO600487858	Captain Torres Spanish
LIQO624008570	Casa Ristorante Italiano
LIQO624009701	City Dae Jang Kum
LIQO624000940	City Extra Restaurant
LIQO624008993	City Recital Hall
LIQC300226522	Combined Services RSL Club Co Operative Ltd
LIQO624007969	Dendy Cinema Opera Quays
LIQO660010214	Di Wang
LIQO624013262	Dolce Vita
LIQC324008772	Dugout Bar and Restaurant
LIQO624006171	East Ocean Restaurant
LIQO600495877	Emperors Garden Restaurant
LIQO624005706	Fratelli Alfresco
LIQH400103476	Four Points Hotel, Sydney
LIQH400101406	Four Seasons Hotel
LIQC300227375	Gallipoli Memorial Club
LIQO624003105	Golden Century Restaurant
LIQO600498442	Golden Harbour Restaurant
LIQC300227650	Hellenic Club Limited
LIQH400121822	Holiday Inn Darling Harbour
LIQO624002320	Indigo Restaurant
LIQH400116152	Intercontinental Sydney
LIQO624007411	Italian Village Restaurant
LIQO624009855	Jamie's Italian by Jamie Oliver
LIQO600432077	La Bora Pizzeria Ristorante
LIQO624003705	Law Society of NSW
LIQO624003772	Little Rumour
LIQO624013898	Lo Studio
LIQO624006386	Low302
LIQH400103832	Menzies Hotel
LIQO624005152	Museum of Sydney
LIQO624014892	Myung Jang
LIQO624008394	Nick's Bar and Grill
LIQO600494005	Nine Dragons
LIQC300229025	NSW Masonic Club

Licence number	Name of licensed premises
LIQO600462960	O Bar and Dining
LIQH400106432	Old Sydney Holiday Inn
LIQO660031204	Old Town Asian Restaurant
LIQO624014728	Ottoman Cuisine
LIQO600411908	Pancakes On The Rocks
LIQO624006687	Paradiso Functions
LIQH424002828	Park Hyatt Sydney
LIQH400102631	Park Royal Darling Harbour, Sydney
LIQO624013679	Parliament of New South Wales
LIQO624015578	Pendolino
LIQH400102232	Pier One Sydney Harbour
LIQH424007367	Pullman Quay Grand Sydney Harbour
LIQO600700795	Qantas Credit Union Arena
LIQO624001399	Quay Restaurant
LIQO624000526	Queen Victoria Building
LIQH400101627	Radisson Hotel & Suites
LIQO624009176	Redoak Boutique Beer Cafe
LIQO624002497	Restaurant Hubert
LIQO660010182	Rockpool Bar & Grill
LIQO624012499	Roslyn Packer Theatre Walsh Bay
LIQC300230015	Royal Automobile Club of Australia
LIQO624014658	Sea Life Sydney Aquarium, Wild Life Sydney and Madame Tussauds Sydney
LIQO624008960	Seoulria
LIQH400105878	Shangri-La Hotel Sydney
LIQH400104057	Sheraton on the Park
LIQO660010295	Shinara
LIQO624000769	Sienna Marina Brasserie
LIQH400102674	Sir Stamford at Circular Quay
LIQO624009265	SMC Conference & Function Centre
LIQH424012737	Sofitel Sydney Wentworth
LIQO624013506	Spice I Am The Restaurant
LIQO660010178	Spice Temple
LIQO660010032	Steel Bar & Grill
LIQH424007933	Swissotel Sydney on Market Street
LIQH400101767	Sydney Harbour Marriott
LIQO624014046	Sydney Madang Restaurant
LIQO600779774	Sydney Opera House

Licence number	Name of licensed premises
LIQO600780918	Sydney Town Hall
LIQO624005645	Sydney Town Hall
LIQO624008962	Tailored Events
LIQC300230678	Tattersalls Club
LIQO624015157	The Art Gallery of New South Wales
LIQC300226328	The Catholic Club Ltd
LIQO660011131	The Cuban Place
LIQH400118074	The Grace Hotel
LIQO624012349	The DYC Sydney
LIQO624009653	The Hudson Restaurant and Bar
LIQH424013942	The Mercure Hotel Sydney
LIQO624003343	The New Olympia Theatre
LIQC300229688	The Queen's Club Ltd
LIQH400110103	The Radisson Blu Plaza Hotel Sydney
LIQC324002268	The Royal Exchange of Sydney
LIQO600703530	The State Theatre
LIQH400106572	The Sydney Boulevard Hotel
LIQO600702380	The Sydney Mint Building & Hyde Park Barracks Museum
LIQO600702593	The Theatre Bar at the End of the Wharf
LIQH424007684	The Westin Sydney
LIQO600780144	Theatre Royal
LIQO624012870	Tropicana Caffè
LIQC300230716	Union, University & Schools Club of Sydney
LIQC300230724	Union, University & Schools Club of Sydney
LIQO600404693	Vibe Hotel Goulburn Street
LIQH400111029	Vibe Hotel Rushcutters Sydney
LIQO600498426	Waterfront Restaurant
LIQO624004022	Wolfie's Grill

Schedule 1E High risk venue exceptions—Kings Cross precinct

The licensed premises to which any of the licences referred to in this Schedule relate are not high risk venues for the purposes of Division 4 of Part 6 of the Act. Any change of name of licensed premises as referred to in this Schedule (whether before, on or after 1 October 2017) does not affect the application of this Schedule to the licence for those premises.

Licence number	Name of licensed premises
LIQO624003042	Bay Bua

Licence number	Name of licensed premises
LIQO624005737	Crescent on Bayswater
LIQO624015436	Larmont Hotel
LIQO660010450	Gastro Park
LIQO624003465	Holiday Inn Potts Point
LIQO624005728	Hugo's Bar Pizza
LIQO624001880	Miss G's
LIQO624015303	Little Square Sydney
LIQO600404049	El Cubano