



New South Wales

# Liquor and Registered Clubs Legislation Amendment Act 2000 No 62

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New South Wales

# **Liquor and Registered Clubs Legislation Amendment Act 2000 No 62**

Act No 62, 2000

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An Act to amend the *Liquor Act 1982* and the *Registered Clubs Act 1976* with respect to the grant of liquor licences, the trading hours and other conditions of licences, the sale of undesirable liquor products and the penalties for certain offences; to amend the *Liquor and Registered Clubs (Olympic and Paralympic Games) Act 1999* with respect to extended trading hours during the Games period; and for other purposes. [Assented to 5 July 2000]

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**The Legislature of New South Wales enacts:****1 Name of Act**

This Act is the *Liquor and Registered Clubs Legislation Amendment Act 2000*.

**2 Commencement**

- (1) This Act commences on the date of assent, except as provided by this section.
- (2) Schedule 1 [1]–[37], [45] and [48]–[51] and Schedule 2 commence on a day or days to be appointed by proclamation.

**3 Amendment of Liquor Act 1982 No 147**

The *Liquor Act 1982* is amended as set out in Schedule 1.

**4 Amendment of Registered Clubs Act 1976 No 31**

The *Registered Clubs Act 1976* is amended as set out in Schedule 2.

**5 Amendment of Liquor and Registered Clubs (Olympic and Paralympic Games) Act 1999 No 95**

The *Liquor and Registered Clubs (Olympic and Paralympic Games) Act 1999* is amended as set out in Schedule 3.

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## Schedule 1 Amendment of Liquor Act 1982

(Section 3)

### [1] Section 4 Definitions

Omit “similar” from the definition of *function* in section 4 (1).  
Insert instead “other”.

### [2] Section 4 (1), definition of “function”

Insert “or to raise funds for any charitable or other purpose” after “entertainment”.

### [3] Section 4 (1)

Insert in alphabetical order:

*employee* includes a person engaged under a contract for services.

*local liquor accord* means any code of practice, memorandum of understanding or other arrangement:

- (a) that affects the supply of liquor, the opening and closing of licensed premises or other aspects of the management of or conduct of business on licensed premises, and
- (b) that is entered into in writing between two or more licensees (or between one or several licensees and one or several clubs registered under the *Registered Clubs Act 1976*), with the approval of the Commissioner of Police or a delegate of the Commissioner, for the purpose of eliminating or reducing alcohol-related violence or anti-social behaviour or other alcohol-related harm.

*proof of age card* means a document:

- (a) issued by the Roads and Traffic Authority under section 117EA, or

- (b) issued by a public authority of the Commonwealth, or of another State or Territory, for the purpose of attesting to the identity and age of the holder.

*special event licence* means a licence issued under section 18A.

**[4] Section 18 Court may grant licences**

Omit section 18 (6). Insert instead:

- (6) On application by the holder of a hotelier's licence, the court (or, if there is no objection to the application, the registrar) may authorise the sale of liquor at a function to be held on premises other than the premises to which the hotelier's licence relates.
- (6A) The provisions of section 51 apply to an application under subsection (6) in the same way as they apply to an application for a temporary on-licence (function).
- (6B) On the granting of an application under subsection (6):
  - (a) the hotelier's licence is taken, for the purpose of authorising the sale of liquor at the function concerned, to operate as a temporary on-licence (function), and
  - (b) the conditions prescribed by section 23AB and section 51B (2) apply to the hotelier's licence, except as provided by subsection (6C), and
  - (c) the provisions of sections 23AC and 29 apply in respect of the function.
- (6C) If a function referred to in subsection (6) is held on premises that are adjacent to the premises to which the hotelier's licence relates, the conditions prescribed by section 23AB (5) may be complied with as though the reference in those conditions to the licensee were a reference to an employee or agent of the licensee.

**[5] Section 18A**

Insert after section 18:

**18A Minister may authorise issue of special event licences**

- (1) The Minister may authorise the court to issue a licence, to be known as a special event licence, authorising the sale of liquor, on premises specified in the licence on a day or days so specified during which a special event is held, subject to such conditions and exemptions as the Minister may specify.
- (2) Before authorising the issue of a special event licence, the Minister may, if the Minister thinks fit, obtain a report from the Board or from the Commissioner of Police, or both, on any proposal for such an authorisation.
- (3) The Minister may:
  - (a) vary, add to or revoke any condition imposed, or exemption granted, in respect of a special event licence whether under subsection (1) or under any other provision of this Act, or
  - (b) in the absence of any such condition or exemption, impose a condition or grant an exemption and, having imposed or granted it, vary, add to or revoke it.
- (4) The Minister is not to authorise the issue of a special event licence unless the Minister is satisfied, on information supplied by the Board or otherwise, that practices will be in place at the licensed premises as soon as the licence is issued that ensure, as far as reasonably practicable, that:
  - (a) liquor is sold, supplied and served responsibly on the premises, and
  - (b) all reasonable steps are taken to prevent intoxication on the premises,and that those practices will remain in place while the licence is in force.
- (5) A condition cannot be imposed on a special event licence except under this section.

- (6) With the consent of the licensee, the Minister may, by order in writing, suspend, for the duration of a special event licence granted in respect of any premises, another licence in force in respect of the same premises.
- (7) In this section, *special event* means an event that the Minister considers to be of State or regional significance.

**[6] Section 19A Duration of licences**

Insert “special event licence or a” before “temporary” in section 19A (2).

**[7] Section 20 Conditions of licences**

Insert “18A or” after “section” in section 20 (2) (b).

**[8] Section 20 (2B)**

Insert after section 20 (2A):

- (2B) Without limiting this section, a condition can be imposed by the court or the Board that authorises or requires a licensee, in specified circumstances:
  - (a) to cease to serve liquor at the licensed premises, or
  - (b) to restrict access to the licensed premises in a manner and to the extent provided by the condition,or both, from a time of day that is earlier than the time at which, as otherwise required by the licence, trading must cease.

**[9] Section 23 On-licence—miscellaneous conditions**

Insert after section 23 (3A):

- (3B) Subsection (3A) does not prevent:
  - (a) the imposition on a licence of a condition of the kind referred to in section 20 (2B), or
  - (b) the inclusion in a local liquor accord of any provision of the kind referred to in section 104E (1),or any conduct on the part of any person acting in accordance with any such condition or for the purpose of promoting or giving effect to the terms of any such accord.

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**[10] Section 23AF Special trading hours for millennium celebration period**

Omit “Friday 31 December 1999 to Monday 3 January 2000”.

Insert instead “Saturday 30 December 2000 to Wednesday 3 January 2001”.

**[11] Section 25 Hotelier’s licence—variation of trading hours**

Insert after section 25 (4):

- (4A) In subsection (4), *special occasion* means the occasion of a unique or infrequent event of local, State or national significance that persons independent of the licensee (and of the owner or occupier of the premises) desire to celebrate or mark.

**[12] Section 32 On-licence (restaurant)—variation of trading hours**

Insert after section 32 (2):

- (3) In subsection (2), *special occasion* means the occasion of a unique or infrequent event of local, State or national significance that persons independent of the licensee (and of the owner or occupier of the premises) desire to celebrate or mark.

**[13] Section 35 On-licence (vessel or aircraft)—trading hours**

Omit section 35 (1) (a). Insert instead:

- (a) in the case of a vessel—to passengers on board the vessel during a period commencing one hour before the vessel commences any voyage or passage (not being a voyage or passage that is part of a regular passenger service between places within the harbour of Port Jackson) and ending 30 minutes after the voyage or passage is completed, or

**[14] Section 35 (2)**

Omit the subsection. Insert instead:

- (2) Liquor must not be sold or supplied to passengers on board a vessel:
- (a) while it is at its berth, whether before commencing or after completing its voyage or passage, or



- (b) while it is moored, if persons other than passengers and crew are being allowed on board.

**[15] Section 42B Principal registrar to refer certain applications to Director**

Insert after section 42B (2):

- (3) This section does not apply to an application for a temporary on-licence (function) if the registrar with whom the application is lodged is satisfied that:
  - (a) the applicant has successfully completed a course of training, approved by the Board, that promotes the responsible sale, supply and service of liquor, and
  - (b) proper and responsible supervision and control over the sale and supply of liquor at the function will be maintained, and
  - (c) practices will be in place at the licensed premises at all times while the function is being held that ensure, as far as reasonably practicable, that liquor is sold, supplied and served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises.

**[16] Section 49C Grant of off-licence (retail)**

Omit “the normal trading hours of a general shop (other than a small shop) as prescribed under the *Factories, Shops and Industries Act 1962*” from the definition of *convenience store* in section 49C (3).

Insert instead “the trading hours of an off-licence, as prescribed by section 26 (2)”.

**[17] Section 51A Functions authorised by permanent on-licence (function)**

Insert “or operates a betting auditorium authorised under section 24 of the *Racing Administration Act 1998*, or on which betting authorised by section 8 (6) (f) of the *Unlawful Gambling Act 1998* takes place at premises occupied by the club” after “meetings” in section 51A (3B).

**[18] Section 53 Grant of on-licence (restaurant) and associated matters**

Omit section 53 (1) (b). Insert instead:

- (b) the court is satisfied:
  - (i) that sanitary facilities for the use of customers meet the requirements of any development consent or complying development certificate (within the meaning of the *Environmental Planning and Assessment Act 1979*) required to be granted in respect of the use of the premises as a restaurant, or
  - (ii) if no such consent or certificate is required for the premises to be so used—that sufficient sanitary facilities for the convenient use of customers are located within, or in immediate proximity to, the restaurant.

**[19] Section 55 Issue of licence**

Insert after section 55 (4):

- (5) In its application to a hotelier's licence, an off-licence to sell liquor by retail or a nightclub licence, this section has effect subject to section 55A.

**[20] Section 55A**

Insert after section 55:

**55A Issue of licence on instalment plan**

- (1) This section applies to a hotelier's licence, an off-licence to sell liquor by retail and a nightclub licence.
- (2) The licence:
  - (a) is not to be issued if one-quarter of the fee prescribed by section 56 has not been paid within 3 months after the licence is granted, and
  - (b) is not to be issued until one-quarter of that fee has been paid, and
  - (c) is automatically cancelled on the first anniversary of its grant if any part of that fee remains unpaid at that date.

- (3) If the licence is cancelled under subsection (2) (c), amounts paid toward the fee for the licence are not refundable to the applicant.

**[21] Section 62A Director's report required before application may be granted**

Insert after section 62A (3):

- (4) This section does not apply to an application for a temporary on-licence (function) to which section 42B does not apply.

**[22] Section 68 Grounds for complaint**

Omit "(k) that the licensee" from section 68 (1).

Insert instead "(l) that the licensee".

**[23] Section 101 Control of licensed premises**

Omit section 101 (1) (e). Insert instead:

- (e) without the previous written consent of the Board:
- (i) let or sublet any other part of the licensed premises, or
  - (ii) let or sublet the right to supply gaming or liquor-related services in the licensed premises, or
  - (iii) enter into any contract or arrangement, relating to any gaming or liquor-related services, in respect of the licensed premises.

**[24] Section 101 (8)**

Insert at the end of section 101 (8) (c):

, or

- (d) without the previous written consent of the Board, enter into any contract or arrangement, relating to any gaming or liquor-related services, in respect of his or her premises that are licensed premises.

**[25] Section 101 (9)**

Omit "subsection (8)". Insert instead "this section".

**[26] Section 101 (9)**

Omit “for the purposes of this subsection”.

**[27] Section 103 Exclusion of persons from licensed premises**

Insert at the end of section 103 (1) (e):

, or

- (f) whom the licensee, under the conditions of the licence or according to a term (of the kind referred to in section 104E (1)) of a local liquor accord, is authorised or required to refuse access to the licensed premises.

**[28] Section 104 Quiet and good order of neighbourhood**

Insert at the end of section 104 (4) (d):

, or

- (e) limitation of trading hours and public access as referred to in section 20 (2B).

**[29] Section 104E Local liquor accords**

Omit section 104E (1). Insert instead:

- (1) Without limiting the terms that may be included in a local liquor accord, such an accord may make provision for or with respect to authorising or requiring any licensees who are parties to the accord:
  - (a) to cease to serve liquor at their licensed premises, or
  - (b) to restrict the public’s access to their licensed premises in a manner and to the extent provided by the accord,or both, from a time of day that is earlier than the time at which, as required by the relevant licence, trading must cease.

**[30] Section 104E (2)**

Omit “to which this section applies”.

**[31] Sections 115 (1) and 117D (1)**

Omit “5 penalty units” wherever occurring. Insert instead “10 penalty units”.

**[32] Section 116C Notices to be displayed**

Insert at the end of section 116C (3B):

Maximum penalty: 20 penalty units.

- (3C) A licensee who offers liquor for sale through an internet site is guilty of an offence against this Act unless there is displayed on the site at all times while it is accessible notices in the prescribed form relating to sales of liquor to minors, harm minimisation or any other matter prescribed by the regulations for the purposes of this subsection.

Maximum penalty: 20 penalty units.

**[33] Section 117EA**

Omit the section. Insert instead:

**117EA Proof of age cards**

- (1) On application made by a person, the Roads and Traffic Authority may issue the person with a document attesting to the person's identity and age.
- (2) The regulations may prescribe:
  - (a) the manner and form in which the application is to be made,
  - (b) the fee that is to accompany the application, and
  - (c) the information to be furnished in support of the application.
- (3) If the regulations so provide, information furnished in support of the application must be verified by statutory declaration of the applicant.

**[34] Section 117I**

Insert after section 117H:

**117I Sale of undesirable liquor products**

- (1) The regulations may declare a specified liquor product or class of liquor products to be an undesirable liquor product.

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- (2) The licensee is guilty of an offence if any such product is sold or supplied on licensed premises to any person.  
Maximum penalty: 50 penalty units.
- (3) The Minister may recommend the making of a regulation under this section only if, in the opinion of the Minister:
- (a) designs, motifs or characters on the packaging of the liquor products concerned are of such a kind that the products are, or are likely to be, attractive to minors, or
  - (b) the products are likely, for any reason, to be confused with soft drinks or confectionery, or
  - (c) the products, for any other reason, have or are likely to have a special appeal to minors.
- (4) The Minister must, before recommending the making of a regulation under this section, consult with relevant liquor industry representatives and the manufacturer of any liquor product proposed to be prescribed (where the manufacturer is known to the Minister).
- (5) The validity of a regulation under this section is not affected by any want of compliance with subsection (3) or (4).

**[35] Section 131 Carrying away of liquor**

Insert after section 131 (2):

- (3) No offence is committed under subsection (1) if:
- (a) the on-licence is a restaurant licence, and the liquor is wine, and
  - (b) the wine was purchased in a container at the restaurant and was partly consumed there, and
  - (c) the container is re-corked or otherwise resealed before being carried away.

**[36] Section 135 Carrying of liquor for sale**

Omit “10 penalty units” from section 135 (1).

Insert instead “20 penalty units”.

**[37] Section 156 Regulations**

Omit section 156 (1) (g). Insert instead:

- (g) the placing of notices or signs in or on licensed premises, the form and content of those notices or signs, and, where the regulations permit, the combination, into a single notice or sign, of two or more prescribed notices or signs,

**[38] Section 171B Application of Division**

Insert “, but (to avoid doubt) does not include a hotel whose licence was removed after that date to a place within the neighbourhood of the previous premises” after “previous premises” in section 171B (1).

**[39] Section 171B (2)**

Insert “the Board under” after “by”.

**[40] Section 171C Social impact assessment of applications to which Division applies**

Insert “to the Board” after “applicant” in section 171C (1).

**[41] Section 171C (2)**

Omit “Licensing Court or Board, whichever is dealing with the application,”.

Insert instead “Board”.

**[42] Sections 171C (3), 171E (3) and 171F (1) and (2)**

Omit “Licensing Court or” wherever occurring.

**[43] Section 171E Consultation on application and social impact assessment**

Omit “Licensing Court or the” from section 171E (1).

**[44] Section 171E (4)**

Insert after section 171E (3):

- (4) If the premises to which the application relates are not yet erected or are not occupied by the applicant, subsection (1) (a) is complied with if the application is dealt with in accordance with the regulations.

**[45] Section 175 Amusement device technician's licence**

Omit section 175 (2). Insert instead:

- (2) An amusement device technician's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject:
  - (a) to service, repair and maintain approved amusement devices, and
  - (b) as an employee of a holder of a testing facility licence (within the meaning of the *Registered Clubs Act 1976*), to carry out the functions, as authorised under that Act, of that licence-holder.

**[46] Schedule 1 Savings and transitional provisions**

Insert at the end of clause 1 (1):

*Liquor and Registered Clubs Legislation Amendment Act 2000*

**[47] Schedule 1**

Insert in appropriate order and with appropriate Part and clause numbers:

**Part Liquor and Registered Clubs Legislation  
Amendment Act 2000**

**Definition**

In this Part, *amending Act* means the *Liquor and Registered Clubs Legislation Amendment Act 2000*.



**Licensed vessels**

Section 35, as amended by the amending Act, applies in respect of licences granted before or after the amendments took effect.

**Restaurant facilities**

Section 53, as amended by the amending Act, extends to an application for a restaurant licence that was lodged but not finally determined before the amendment took effect.

**Notices on internet sites**

Section 116C (3C) does not apply to an internet site that existed at the date of commencement of that subsection until 6 months after that date.

**Proof of age cards**

- (1) A fee charged before the commencement of section 117EA (as inserted by the amending Act) by the Roads and Traffic Authority for the issue of a proof of age card, being a fee that would have been validly charged if that section (as so inserted) and any regulations necessary to give effect to it had been in force at the time the fee was charged, is taken, at all relevant times, to have been validly charged.
- (2) This clause applies to the issue of a proof of age card whether at first instance or as a replacement for a card previously issued.

**Conditions of licences**

The purported imposition, at a time before the commencement of this clause, of a condition on a licence that would have been valid if sections 20 and 104, as amended by the amending Act, had been in force at the time is validated.

**[48] Schedule 6 Special trading hours for millennium celebration period**

Omit "Friday 31 December 1999" from clause 2 (1).  
Insert instead "Saturday 30 December 2000".

**[49] Schedule 6, clause 2 (1)**

Omit “Monday 3 January 2000”.  
Insert instead “Wednesday 3 January 2001”.

**[50] Schedule 6, clause 2 (2)**

Omit “each of Saturday 1, Sunday 2 and Monday 3 January 2000”.  
Insert instead “Sunday 31 December 2000 and on each of Monday 1,  
Tuesday 2 and Wednesday 3 January 2001”.

**[51] Schedule 6, clause 6 (1) (e)**

Omit “20 December 1999”. Insert instead “1 December 2000”.

## Schedule 2 Amendment of Registered Clubs Act 1976

(Section 4)

### [1] Section 4 Definitions

Omit the definition of *approved plan* from section 4 (1). Insert instead:

*approved plan*, in relation to proposed club premises, or a proposed addition to or alteration of club premises, means a plan of the proposed premises, or of the proposed addition or alteration, that accompanies any development consent required under the *Environmental Planning and Assessment Act 1979* for the carrying out of the work represented by the plan, or evidence that such consent is not required.

### [2] Section 4

Insert in alphabetical order in section 4 (1):

*employee* includes a person engaged under a contract for services.

*local liquor accord* means any code of practice, memorandum of understanding or other arrangement:

- (a) that affects the supply of liquor, the opening and closing of registered clubs or other aspects of the management of or conduct of business in registered clubs, and
- (b) that is entered into in writing between two or more registered clubs (or between one or several registered clubs and one or several persons licensed under the *Liquor Act 1982*), with the approval of the Commissioner of Police or a delegate of the Commissioner, for the purpose of eliminating or reducing alcohol-related violence or anti-social behaviour or other alcohol-related harm.

*testing facility licence* means a poker machine testing facility licence granted under section 90 and in force.

### [3] Section 4 (1), definition of “gaming-related licence”

Insert “, a testing facility licence” after “dealer’s licence”.

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**[4] Section 9A Conditions relating to certificate of registration**

Insert after section 9A (1B):

- (1C) Without limiting this section, a condition can be imposed by the Licensing Court or the Board that authorises or requires a registered club, in specified circumstances:
- (a) to cease to serve liquor at the club premises, or
  - (b) to restrict the public's access to the club premises in a manner and to the extent provided by the condition,
- or both, from a time of day that is earlier than the time at which, as otherwise required by the conditions of registration, trading must cease.

**[5] Section 17AA Quiet and good order of neighbourhood**

Insert at the end of section 17AA (4) (d):

- , or
- (e) limitation of trading hours and public access as referred to in section 9A (1C).

**[6] Section 51 Consumption of liquor or operation of poker machines by persons under 18 years**

Omit "5 penalty units" from section 51 (1). Insert instead "10 penalty units".

**[7] Section 57C**

Insert after section 57B:

**57C Sale of undesirable liquor products**

- (1) The regulations may declare a specified liquor product or class of liquor products to be an undesirable liquor product.
- (2) The secretary of a registered club is guilty of an offence if any such product is sold or supplied at the club to any person.

Maximum penalty: 50 penalty units.

- (3) The Minister may recommend the making of a regulation under this section only if, in the opinion of the Minister:
  - (a) designs, motifs or characters on the packaging of the liquor products concerned are of such a kind that the products are, or are likely to be, attractive to minors, or
  - (b) the products are likely, for any reason, to be confused with soft drinks or confectionery, or
  - (c) the products, for any other reason, have or are likely to have a special appeal to minors.
- (4) The Minister must, before recommending the making of a regulation under this section, consult with relevant liquor industry representatives and the manufacturer of any liquor product proposed to be prescribed (where the manufacturer is known to the Minister).
- (5) The validity of a regulation under this section is not affected by any want of compliance with subsection (3) or (4).

**[8] Section 67A Removal of persons from premises of registered club**

Insert at the end of section 67A (1) (e):

- , or
- (f) whom the club, under the conditions of its certificate of registration, or a term (of the kind referred to in section 76A (1)) of a local liquor accord, is authorised or required to refuse access to the club.

**[9] Section 76A Local liquor accords**

Omit section 76A (1). Insert instead:

- (1) Without limiting the terms that may be included in a local liquor accord, such an accord may make provision for or with respect to authorising or requiring any registered clubs that are parties to the accord:
  - (a) to cease to serve liquor at club premises, or
  - (b) to restrict the public's access to club premises in a manner and to the extent provided by the accord,

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or both, from a time of day that is earlier than the time at which, as required by the relevant certificate of registration, trading must cease.

**[10] Section 76A (2)**

Omit “to which this section applies”.

**[11] Section 90 Granting of gaming-related licences**

Omit “or” from section 90 (1) (c).

**[12] Section 90 (1) (e)**

Insert at the end of section 90 (1) (d):

- , or
- (e) a poker machine testing facility licence.

**[13] Section 90 (6) and (7)**

Insert after section 90 (5):

- (6) A poker machine testing facility licence:
  - (a) if granted, is to be granted in respect of premises specified in the licence, and
  - (b) is not to be granted unless the application is supported by a certificate of the Board under subsection (7).
- (7) The Board may, if it thinks fit, certify that:
  - (a) a person specified in the certificate is, in the opinion of the Board, suitably qualified and competent to undertake the testing of poker machines, and
  - (b) premises specified in the certificate are, in the opinion of the Board, suitable for the testing of poker machines.

**[14] Section 90A Work permits**

Omit “or adviser’s” from section 90A (1). Insert instead “, adviser’s licence or testing facility”.

**[15] Section 91 Authority conferred by gaming-related licence**

Omit section 91 (3). Insert instead:

- (3) A poker machine technician's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject:
  - (a) to service, repair and maintain poker machines, and
  - (b) as an employee of a holder of a testing facility licence, to carry out, in the course of that employment, the authorised functions of that licence-holder.

**[16] Section 91 (4A)**

Insert "or of a poker machine testing facility licence" after "seller's licence".

**[17] Section 91 (6) and (7)**

Insert after section 91 (5):

- (6) A poker machine testing facility licence authorises the licensee, subject to this Act and any condition to which the licence is subject, to test poker machines:
  - (a) in connection with an application under section 77A, or
  - (b) in connection with an application under section 157 of the *Liquor Act 1982*, or
  - (c) in such other circumstances as the Board may determine,to ascertain whether the machines meet standards adopted by the Board.
- (7) The Board may impose one or more conditions on a poker machine testing facility licence.

**[18] Section 101 Conditions of gaming-related licences**

Insert "or the Board" after "Court" in section 101 (2) (d).

**[19] Schedule 2 Transitional provisions**

Insert at the end of clause 1A (1):

*Liquor and Registered Clubs Legislation Amendment Act 2000*

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## **Schedule 3    Amendment of Liquor and Registered Clubs (Olympic and Paralympic Games) Act 1999**

(Section 5)

### **[1]    Section 9 Extension of trading hours for certain liquor licences**

Insert at the end of section 9 (2) (b):

- , or
- (c)    are within the foreshore area specified in Schedule 1 to the *Sydney Harbour Foreshore Authority Act 1998* or within the area specified in Schedule 5 to the *Darling Harbour Authority Act 1984*.

### **[2]    Section 9 (9A)**

Insert after section 9 (9):

- (9A) In addition to the conditions prescribed by subsection (9), it is a condition of a licence in respect of licensed premises to which subsection (2) applies that liquor must not be sold or supplied on those licensed premises under the authority of this section unless:
- (a)    the licensee has taken all reasonable steps to ensure that promotional activities (such as the discounting of liquor prices) are restricted so that they do not encourage misuse or abuse of liquor (such as binge drinking or excessive consumption), and
- (b)    the *Liquor Industry Code of Practice for the Responsible Promotion of Alcohol* (available from the Department of Gaming and Racing) has been adopted in respect of the premises, and a copy of the Code is displayed in a position where it is accessible to and will be noticed by all staff involved in the sale, supply and service of liquor on the premises, and



- (c) a register, containing a copy of each certificate attesting to the satisfactory completion, by the licensee and any other staff involved in the sale, supply and service of liquor on the premises, of a course of training, approved by the Board, that promotes the responsible sale, supply and service of liquor is maintained on the premises and is available for inspection on request by a police officer or special inspector, and
- (d) in addition to other prescribed signs required to be displayed, the Harm Minimisation and Responsible Service of Alcohol Signs contained in the Harm Minimisation Signage Kit available from the Department of Gaming and Racing are prominently displayed on the premises, and
- (e) low alcohol liquor and non-alcoholic beverages are to be available at all times when full-strength liquor is available, and
- (f) the pricing structure for liquor sales must reflect any lower wholesale cost of low alcohol liquor.

**[3] Section 9 (11A)**

Insert after section 9 (11):

- (11A) If, at a conference convened under section 104 of the *Liquor Act 1982* in relation to a complaint concerning the manner in which the business of any licensed premises to which subsection (2) applies is conducted, or the behaviour of persons after they have left any such licensed premises, during the Games period, the member of the Board presiding at the conference:
- (a) under subsection (3) (a) of that section, imposes, varies or revokes a condition of a licence, or
  - (b) for the purposes of subsection (3) (b) of that section, requires any undertaking of the licensee to be given in writing, or
  - (c) under subsection (3) (c) of that section, issues a warning in writing,
- this section ceases to apply to those licensed premises.

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**[4] Section 18 Regulations**

Insert at the end of section 18:

- (2) Without limiting subsection (1), a regulation may make provision for or with respect to the operation by a licensee of licensed premises during extended trading hours in accordance with section 9, including:
  - (a) prohibiting a licensee from causing, permitting or allowing the emission of noise from the licensed premises at a noise level which, when measured at any point outside the premises, exceeds a specified level, and
  - (b) providing for the application of section 35 of the *Olympic Arrangements Act 2000* to the licensee, the licensed premises and the activities carried out on the licensed premises in the same way as if a declaration had been made under section 34 of that Act in respect of the licensee, the licensed premises and any such activities, and
  - (c) providing for the enforcement of a prohibition referred to in paragraph (a), including:
    - (i) by enforcement as if it were contained in a noise control notice issued under section 264 of the *Protection of the Environment Operations Act 1997*, or
    - (ii) by any means of enforcement for which provision may be made under the *Liquor Act 1982* (including by imposition as a condition of a licence).

[Minister's second reading speech made in—  
Legislative Assembly on 21 June 2000  
Legislative Council on 29 June 2000]

BY AUTHORITY