



New South Wales

# Liquor Amendment Act 1995 No 34

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New South Wales

## Liquor Amendment Act 1995 No 34

Act No 34, 1995

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An Act to amend the *Liquor Act 1982* with respect to noise complaints, opening hours, statute law revision; and for other purposes. [Assented to 25 September 1995]

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See also Registered Clubs Amendment Act 1995.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Liquor Amendment Act 1995*.

**2 Commencement**

This Act commences 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.

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## Schedule 1 Amendments

(Section 3)

**[1] Section 4 Definitions**

**Section 4 (1), definition of key official**

Omit “Secretary, Chief Secretary’s Department” from paragraph (a).  
Insert instead “Director-General of the Department of Gaming and Racing”.

**[2] Section 4 (1), definition of key official**

Omit “Chief Secretary’s Department” wherever occurring from paragraphs (b) and (c).  
Insert instead “Department of Gaming and Racing”.

**[3] Section 4 (1), definition of key official**

Omit “Secretary” from paragraph (c).  
Insert instead “Director-General”.

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

Insert “, except with the leave of the court granted on the ground that there has been a material change in the facts or circumstances on which the refusal, revocation or reduction was based” after “6 months” in section 25 (7A).

**[5] Section 27 Off-licence (retail)—variation of trading hours**

Insert “, except with the leave of the court granted on the ground that there has been a material change in the facts or circumstances on which the refusal, revocation or reduction was based” after “6 months” in section 27 (4).

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

Insert “, except with the leave of the court granted on the ground that there has been a material change in the facts or circumstances on which the refusal, revocation or reduction was based” after “6 months” in section 32 (5).

**[7] Section 35A On-licence (vessel)—variation of trading hours**

Insert “, except with the leave of the court granted on the ground that there has been a material change in the facts or circumstances on which the refusal, revocation or reduction was based” after “6 months” in section 35A (5).

**[8] Section 44 Right of objection to application**

Insert “or a person who is such a resident and is authorised in writing by 2 or more other such residents” after “situated” in section 44 (1) (b).

**[9] Section 44 (1A)**

Omit section 44 (1A).

**[10] Section 44 (2)**

Omit “or subsection (1A)”.

**[11] Section 67 Summons to show cause against taking of disciplinary action**

Insert “or a person who is such a resident and is authorised in writing by 2 or more other such residents” after “premises” in section 67 (1) (b).

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

Insert after section 104 (1A):

(1AA) A complaint under this section can be made only by:

- (a) a person authorised in writing by 3 or more persons residing in the neighbourhood of the licensed premises or a person who is such a resident and is authorised in writing by 2 or more other such residents, or
- (b) the Commissioner of Police, or
- (c) a person authorised by the council of the local government area (including the City of Sydney) in which the licensed premises are situated, or

- (d) a person who satisfies the Board that his or her interests, financial or other, are adversely affected by the undue disturbance to which the person's complaint relates, or
- (e) the Director.

**[13] Section 104 (9)**

Insert after section 104 (8):

- (9) If a condition restricting the trading hours of a licensee is imposed under this section, an application may be made to the Board to vary or revoke the condition. The application may not be made by or on behalf of the licensee during the period of 6 months that next succeeds the imposition of the condition, except with the leave of the Board granted on the ground that there has been a material change in the facts or circumstances on which the imposition of the condition was based. The application may be dealt with by the Board in such manner as the Board determines.

**[14] Sections 105A and 105B**

Omit "Secretary, Chief Secretary's Department" wherever occurring from sections 105A (2)–(4) and (6) and 105B (3) and (4).  
Insert instead "Director-General of the Department of Gaming and Racing".

**[15] Section 105B Restrictions relating to former key officials**

Insert after section 105B (5):

- (6) If a reference ("the original reference") in this Act to a position, officer or Department is replaced with, or required to be read or construed as, a reference ("the replacement reference") to another position, officer or Department, the replacement reference is for the purposes of the operation of this section to be read as including the original reference.

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

Insert after the matter relating to the *Liquor (Amendment) Act 1994* in clause 1 (1):  
Liquor Amendment Act 1995

**[17] Schedule 1**

Insert after clause 30:

**Part 5 Liquor Amendment Act 1995**

**31 Complaints as to quiet and good order of neighbourhood**

A complaint duly made to the Board under section 104 before the amendment of that section by the *Liquor Amendment Act 1995* is taken to have been made in accordance with that section as so amended.

**32 References to former key officials**

Section 105B (6), as inserted by the *Liquor Amendment Act 1995*, is taken to have commenced on the commencement of section 105B.

[Minister's second reading speech made in —  
Legislative Assembly on 24 May 1995  
Legislative Council on 31 May 1995]