



New South Wales

Liquor Amendment (Special Licence Conditions) Act 2008 No 102

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Liquor Amendment (Special Licence Conditions) Act 2008 No 102

Act No 102, 2008

An Act to amend the *Liquor Act 2007* to impose additional licence conditions in respect of certain licensed premises. [Assented to 3 December 2008]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Liquor Amendment (Special Licence Conditions) Act 2008*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Amendment of Liquor Act 2007 No 90

The *Liquor Act 2007* is amended as set out in Schedule 1.

4 Amendment of Liquor Regulation 2008

The *Liquor Regulation 2008* is amended by omitting Division 3 of Part 5 and Schedule 3.

5 Repeal of Act

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendment of Liquor Act 2007

(Section 3)

[1] Section 11 Licence conditions—general provisions

Insert after section 11 (1):

- (1A) Schedule 4 (Special licence conditions for declared premises) has effect. The regulations may amend that Schedule (including, without limitation, by adding or removing any relevant licence under that Schedule).

[2] Schedule 4

Insert after Schedule 3:

Schedule 4 Special licence conditions for declared premises

(Section 11 (1A))

1 Definitions

In this Schedule:

declared premises means the premises to which a relevant licence relates.

relevant licence means a licence specified in the Table at the end of this clause.

restricted service period, in relation to declared premises, means:

- (a) the period between midnight and such later time (if any) at which the premises are required to cease trading, or
- (b) in the case of declared premises that are not required to cease trading at any time after midnight—the period between midnight and 5 am.

Licence number	Name of licensed premises	Location
LIQH424007134	Pontoon Bar	Sydney CBD
LIQH400104413	Orient Hotel	Sydney CBD
LIQH400115733	Cargo Bar	Sydney CBD
LIQH400110200	Scruffy Murphy's	Sydney CBD
LIQH400108818	Home Nightclub	Darling Harbour
LIQH400104480	Oxford Hotel	Darlinghurst

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Schedule 1 Amendment of Liquor Act 2007

Licence number	Name of licensed premises	Location
LIQH400102224	Exchange Hotel	Darlinghurst
LIQH400110154	ARQ Sydney	Darlinghurst
LIQH424006252	Stonewall Hotel	Darlinghurst
LIQH400101929	Taylor Square Hotel	Darlinghurst
LIQH400100809	Vegas Hotel	Potts Point
LIQH400104731	Piccadilly Hotel	Potts Point
LIQH424006058	First Empire Hotel	Potts Point
LIQH400101449	Coogee Bay Hotel	Coogee
LIQH400100612	Bondi Hotel	Bondi
LIQH400100620	The Eastern	Bondi Junction
LIQH400105770	Steyne Hotel	Manly
LIQH400103980	Mona Vale Hotel	Mona Vale
LIQH400118260	Mean Fiddler	Rouse Hill
LIQC300241858	Penrith Rugby League Club	Penrith
LIQH400119054	Embassy Hotel	Penrith
LIQH400100078	Albion Hotel	Parramatta
LIQH400102453	PJ Gallagher's Irish Pub	Parramatta
LIQH400122489	Roxy Hotel	Parramatta
LIQH400111444	One World Sport Parramatta	Parramatta
LIQH400102100	Epping Hotel	Epping
LIQC300241866	Rooty Hill RSL Club	Rooty Hill
LIQH400101635	Northies-Cronulla Hotel	Cronulla
LIQO624006185	Fusion	Cronulla
LIQO624006134	AKA Nightclub Bar	Sutherland
LIQC300244695	Campbelltown Catholic Club	Campbelltown
LIQH400104642	Peakhurst Inn	Peakhurst
LIQH400112084	Commercial Hotel	Dubbo
LIQH400118562	Standard Hotel	Orange
LIQH400120230	Imperial Hotel	Tamworth
LIQH400108893	Oxford Tavern	Bathurst

Licence number	Name of licensed premises	Location
LIQH400122403	Glasshouse Tavern	Wollongong
LIQH400109911	Crowne Plaza Terrigal	Terrigal
LIQH400110014	Terrigal Hotel	Terrigal
LIQC300236005	Central Coast Leagues Club	Gosford
LIQH424009773	Iguana Joe's Waterfront Bar	Gosford
LIQH400115067	Club House Hotel	Maitland
LIQH400117116	Beachcomber Resort & Conference Centre	Toukley
LIQO624006255	Altitude Nightclub	Port Macquarie
LIQO624006658	Capital Nightclub	Wagga Wagga
LIQO624006202	Flamingos Nitespot	Goulburn
LIQH400121024	Roi Bar	Albury
LIQH400114567	Mary Gilhooley's Irish Pub & Restaurant	Lismore

2 Special licence conditions

- (1) A relevant licence is subject to the conditions specified in this Schedule.
- (2) The conditions specified in this Schedule are in addition to any other conditions to which a relevant licence is subject.
- (3) Any change in the name (as referred to in the Table to clause 1) of any declared premises does not affect the application of this Schedule to the licence for those premises.

3 "Lock outs" for declared premises

- (1) The licensee of any declared premises must not permit patrons to enter the premises after 2 am or before 5 am (*the lock out period*).
- (2) For the avoidance of doubt, patrons already present in declared 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.

- (3) This clause does not:
- (a) prevent a resident of declared premises from entering the premises during the lock out period, or
 - (b) in the case of declared premises that are premises to which a club licence relates—prevent a full member or honorary member (within the meaning of the *Registered Clubs Act 1976*) of the registered club from entering the premises during the lock out period.

4 Glasses and breakable plastic containers prohibited during restricted service period

- (1) During the restricted service period, any drink (whether or not it contains liquor) sold or supplied for consumption on declared premises must not be served or supplied in a glass or breakable plastic container.
- (2) During the restricted service period, the licensee of declared premises must remove empty glasses and empty breakable plastic containers from patrons and from any area of the premises to which patrons have access.
- (3) This clause does not require empty glasses or other containers to be removed from the room in which a resident of declared premises is residing or staying.
- (4) 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.

5 Certain drinks prohibited during restricted service period

- (1) The following drinks must not be sold or supplied on declared premises during the restricted service period:
 - (a) any drink (commonly referred to as a “shot”) that contains no more than 30 ml of spirits or liqueur and 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 one 30 ml nip of spirits or liqueur.

- (2) During the restricted service 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 declared premises to the same person at any one time.
- (3) In this clause:
ready to drink beverage means an alcoholic mixed beverage that is prepared by the manufacturer.

6 “Time-outs” during restricted service period

The sale or supply of liquor on declared premises must cease for a continuous period of 10 minutes during each hour of the restricted service period.

7 Service of alcohol to cease 30 minutes before closing time

If declared premises are required to cease trading on any day, the licensee must cease selling or supplying liquor on the premises 30 minutes before the premises are required to cease trading.

8 Exemptions

- (1) The Director may, by order in writing served on the licensee of declared premises, exempt the declared premises from any specified provision of this Schedule.
- (2) The Director may exempt declared premises only if the Director:
 - (a) is satisfied that conditions other than the specified provision to which the exemption relates will be more effective in reducing the risk of alcohol-related violence in or about the declared premises concerned, and
 - (b) imposes those other conditions on the licence for the premises under any relevant provision of this Act.
- (3) Any such relevant provision applies except to the extent that it prevents the imposition of conditions that are inconsistent with this Schedule.

- (4) An exemption under this clause has effect only while the other conditions imposed by the Director to replace the specified provision to which the exemption relates remain in force.

9 Review of Schedule

- (1) The Minister is to review this Schedule to determine whether the policy objectives remain valid and whether the terms of this Schedule remain appropriate for securing those objectives.
- (2) The review is to be undertaken no later than at the end of the period of 12 months immediately following the date of assent to the *Liquor Amendment (Special Licence Conditions) Act 2008*.
- (3) In undertaking the review, the Minister is to consult with the Bureau of Crime Statistics and Research of the Attorney General's Department and take into consideration any information and advice provided by the Bureau in relation to the incidence of alcohol-related violence in or about the licensed premises to which this Schedule applies.
- (4) A report on the outcome of the review is to be tabled in each House of Parliament within 3 months after the completion of the review.

[Agreement in principle speech made in Legislative Assembly on 2 December 2008
Second reading speech made in Legislative Council on 2 December 2008]

BY AUTHORITY