



New South Wales

# Liquor Amendment (Sydney CBD Entertainment Precinct Plan of Management) Regulation 2014

under the  
Liquor Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 2007*.

TROY GRANT, MP  
Minister for Hospitality, Gaming and Racing

## Explanatory note

The objects of this Regulation are:

- (a) to prescribe further special licence conditions for certain licensed premises in the Sydney CBD Entertainment precinct and the Kings Cross precinct, and
- (b) to ensure that the special licence conditions applicable to licensed premises in those precincts are consistent, and
- (c) to impose a condition restricting the hours during which passengers can board licensed vessels from the Sydney CBD Entertainment precinct or disembark from such vessels into that precinct, and
- (d) to update references to the names of certain licensed premises.

This Regulation is made under the *Liquor Act 2007*, including sections 11 (1) (b), 116A, 116I and 159 (the general regulation-making power).

## **Liquor Amendment (Sydney CBD Entertainment Precinct Plan of Management) Regulation 2014**

under the

Liquor Act 2007

### **1 Name of Regulation**

This Regulation is the *Liquor Amendment (Sydney CBD Entertainment Precinct Plan of Management) Regulation 2014*.

### **2 Commencement**

This Regulation commences on the day that is 6 weeks after the day on which it is 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):

*general late trading period*, in relation to premises, means:

- (a) the period between midnight on any day of the week and such later time at which the premises are required to cease trading, or
- (b) in the case of premises that are not required to cease trading at any time after midnight on any day of the week—the period between midnight and 7 am.

### [2] Clause 38B

Insert after clause 38A:

#### **38B Condition relating to licensed vessels**

- (1) It is a condition of an on-premises licence that relates to a vessel that the licensee must not (except as provided by subclause (2)) cause or permit any passenger to board from or disembark to any part of the Sydney CBD Entertainment precinct (whether from the berthed vessel or by a tender or other means) during the general late trading period.
- (2) The Director-General may, on application by a licensee, by order in writing exempt the licensee from the application of subclause (1) during a period or in the circumstances specified in the order.

### [3] Clause 40 Obligations of licensee as to responsible service of alcohol

Omit “a current recognised competency card” from clause 40 (1A).

Insert instead “current recognised RSA certification (other than an existing RSA certificate)”.

### [4] Clause 40 (1B)

Insert after clause 40 (1A):

- (1B) The licensee of licensed premises situated in the Sydney CBD Entertainment precinct must not, on and from 1 October 2014:
  - (a) sell, supply or serve liquor by retail on the premises, or
  - (b) cause or permit liquor to be sold, supplied or served on the premises, unless the licensee holds current recognised RSA certification (other than an existing RSA certificate).Maximum penalty: 50 penalty units.

### [5] Clause 40 (2A)

Omit “a current recognised competency card”.

Insert instead “current recognised RSA certification (other than an existing RSA certificate)”.

### [6] Clause 40 (2B)

Insert after clause 40 (2A):

- (2B) The licensee of licensed premises situated in the Sydney CBD Entertainment precinct must not, on and from 1 October 2014, cause or permit a staff member

to sell, supply or serve liquor on the premises unless the staff member holds current recognised RSA certification (other than an existing RSA certificate).  
Maximum penalty: 50 penalty units.

**[7] Clause 40A Obligations of licensee as to use of patron ID scanners in Kings Cross and Sydney CBD Entertainment precincts**

Insert “or the Sydney CBD Entertainment precinct” after “Kings Cross precinct” wherever occurring in clause 40A (1) and (2).

**[8] Clause 41 Obligations of staff members as to responsible service of alcohol**

Omit “a current recognised competency card” from clause 41 (2).

Insert instead “current recognised RSA certification (other than an existing RSA certificate)”.

**[9] Clause 41(3)**

Insert after clause 41 (2):

- (3) A staff member of licensed premises situated in the Sydney CBD Entertainment precinct must not, on and from 1 October 2014, sell, supply or serve liquor by retail on the premises unless the staff member holds current recognised RSA certification (other than an existing RSA certificate).  
Maximum penalty: 20 penalty units.

**[10] Clause 41A Obligations of staff members as to use of patron ID scanners in Kings Cross and Sydney CBD Entertainment precincts**

Insert “or the Sydney CBD Entertainment precinct” after “Kings Cross precinct” in clause 41A (1).

**[11] Clause 42 Obligations in relation to persons carrying on certain security activities**

Omit “a current recognised competency card” from clause 42 (1A) and (3) wherever occurring.

Insert instead “current recognised RSA certification (other than an existing RSA certificate)”.

**[12] Clause 42 (1B)**

Insert after section 42 (1A):

- (1B) A person (including the licensee of licensed premises) must not employ or engage a person to carry on activities as a crowd controller or bouncer on or about licensed premises situated in the Sydney CBD Entertainment precinct unless the person holds current recognised RSA certification (other than an existing RSA certificate).  
Maximum penalty: 50 penalty units.

**[13] Clause 42 (3A)**

Insert after clause 42 (3):

- (3A) A person must not, in the course of the person’s employment, carry on activities as a crowd controller or bouncer on or about licensed premises situated in the Sydney CBD Entertainment precinct unless the person holds current recognised RSA certification (other than an existing RSA certificate).  
Maximum penalty: 20 penalty units.

**[14] Clause 42 (5)**

Insert after clause 42 (4):

- (5) Subclauses (1B) and (3A) take effect on and from 1 October 2014.

**[15] Clause 42A Obligations in relation to persons carrying on RSA supervisory duties on licensed premises in Kings Cross precinct**

Omit “a current recognised competency card” from clause 42A (1) and (2) wherever occurring.

Insert instead “current recognised RSA certification (other than an existing RSA certificate)”.

**[16] Clause 42B**

Insert after clause 42A:

**42B Obligations in relation to persons carrying on RSA supervisory duties on licensed premises in Sydney CBD Entertainment precinct**

- (1) A person (including the licensee of licensed premises) must not employ a person as an RSA marshal on licensed premises situated in the Sydney CBD Entertainment precinct unless the person holds current recognised RSA certification (other than an existing RSA certificate).  
Maximum penalty: 50 penalty units
- (2) A person must not, in the course of the person’s employment as an RSA marshal, carry out RSA supervisory duties on licensed premises situated in the Sydney CBD Entertainment precinct unless the person holds current recognised RSA certification (other than an existing RSA certificate).  
Maximum penalty: 20 penalty units.
- (3) In this clause, *RSA marshal* and *RSA supervisory duties* have the same meanings as in clause 53ZD.
- (4) This clause takes effect on and from 1 October 2014.

**[17] Clause 53A Special licence conditions**

Insert “53FA, 53I, 53J,” after “clauses” in clause 53A (2).

**[18] Clause 53B Definitions**

Omit the clause.

**[19] Clause 53F Certain drinks and other types of liquor sales prohibited during general late trading period**

Omit clause 53F (1).

**[20] Clause 53F (2) and (3)**

Omit “weekend or holiday late trading period” wherever occurring.

Insert instead “general late trading period”.

**[21] Clause 53F (2) (a)**

Omit “or a “shooter””. Insert instead “, a “shooter” or a “bomb””.

**[22] Clause 53F (2A) and (2B)**

Insert after clause 53F (2):

- (2A) Subclause (2) does not (subject to subclause (2B)) 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.
- (2B) Subclause (2A) 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 3am (or such earlier time at which the venue is required to cease serving liquor) at less than the amount specified on the cocktail list.

**[23] Clause 53F (3A)**

Insert after clause 53F (3):

- (3A) Despite subclause (3), 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 during the general late trading period:
  - (a) if the premises are required to cease trading at 3am—between the hours of 2 am and 3 am, or
  - (b) if the premises are authorised to trade after 3 am—between 2 am and the time at which the premises are required to cease trading or 7 am (whichever is the later).

**[24] Clause 53FA**

Insert after clause 53F:

**53FA 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 (at 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 at 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 at the subject premises.

**[25] Clause 53G Requirement for RSA marshals during supervised trading period**

Omit “weekend or holiday late trading period” wherever occurring.

Insert instead “supervised trading period”.

**[26] Clause 53G (5), definition of “RSA supervisory duties”**

Omit paragraph (e).

**[27] Clause 53G (5)**

Insert in alphabetical order:

*supervised trading period*, in relation to licensed premises, means the period between midnight on any Friday, Saturday or public holiday night or night before a public holiday and such later time at which the premises are required to cease trading or 3am, whichever first occurs.

**[28] Clause 53J Other requirements relating to violent incidents**

Omit the definition of *staff member* from clause 53J (2). Insert instead:

*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.

**[29] Clause 53R Licensed premises specified as high risk venues**

Omit “Club 21” from clause 53R (1). Insert instead “Vintage Nightclub”.

**[30] Clause 53R (1)**

Omit “Hampton Court Hotel”. Insert instead “New Hampton Pty Ltd”.

**[31] Clause 53R (1)**

Omit “le panic”. Insert instead “Luna Nightclub”.

**[32] Clause 53S High risk venue exceptions**

Omit “The Kellet Way” from clause 53S (1). Insert instead “El Cubano”.

**[33] Clause 53X Special licence conditions**

Insert “However, clauses 53ZC, 53ZE and 53ZF apply in relation to all CBD subject premises.” after “premises.” in clause 53X (2).

**[34] Clauses 53ZA–53ZH**

Insert after clause 53Z:

**53ZA Glasses prohibited during general late trading period at declared venues**

- (1) This clause applies to CBD subject premises that the Director-General has, by notice in writing served on the licensee, declared to be premises to which this clause applies.
- (2) The Director-General may make a declaration under subclause (1) only if the Director-General is satisfied that:
  - (a) there has been a history (whether before or after the commencement of this clause) of alcohol-related violence on the premises, or
  - (b) an incident has occurred on the premises after the commencement of this clause 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 CBD subject premises must not be served or supplied in a glass.
- (4) During the general late trading period, glasses must be removed from patrons on CBD subject premises 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.

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

- (1) The following drinks must not be sold or supplied on CBD 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.
- (2) Subclause (1) does not (subject to subclause (3)) 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.
- (3) Subclause (2) applies only if:
- (a) the alcoholic drink is listed on a document prepared by the licensee that is displayed on CBD 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 CBD subject premises between midnight and 3am (or such earlier time at which the venue is required to cease serving liquor) at less than the amount specified on the cocktail list.
- (4) 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 CBD subject premises to the same person at any one time.
- (5) Despite subclause (4), no more than 2 alcoholic drinks (whether of the same or a different kind) may be sold or supplied on CBD subject premises to the same person at any one time during the general late trading period:
- (a) if the premises are required to cease trading at 3am—between the hours of 2 am and 3 am, or
  - (b) if the premises are authorised to trade after 3 am—between 2 am and the time at which the premises are required to cease trading or 7 am (whichever is the later).
- (6) In this clause:  
*ready to drink beverage* means an alcoholic mixed beverage that is prepared by the manufacturer.



**53ZC Promotion of rapid consumption drinks**

The licensee of CBD subject premises must not promote or publicise or cause to be promoted or publicised by any means (at the CBD 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 at the CBD 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 at the CBD subject premises.

**53ZD Requirement for RSA marshals during RSA supervised trading period**

- (1) This clause applies to CBD subject premises that the Director-General has, by notice in writing served on the licensee, declared to be premises to which this clause applies.
- (2) The Director-General may make a declaration under subclause (1) only if the Director-General is satisfied that:
  - (a) there has been a history (whether before or after the commencement of this clause) of alcohol-related violence on the premises, or
  - (b) an incident has occurred on the premises after the commencement of this clause 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 premises at after midnight during the supervisory trading period.
- (4) The licensee of CBD subject premises 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:

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

***RSA supervisory duties*** means the following:

- (a) monitoring responsible service of alcohol practices by staff members of CBD 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 licensed premises, means the period between midnight on any Friday, Saturday or public holiday night or night before a public holiday and such later time at which CBD subject premises are required to cease trading or 3am, whichever first occurs.

**53ZE “Round the clock” incident register**

- (1) The licensee of CBD subject premises must maintain a register, in the form approved by the Director-General, in which the licensee is to record, in the manner approved by the Director-General, 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 CBD 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 CBD 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 CBD subject premises.

**53ZF Other requirements relating to violent incidents**

- (1) The licensee of CBD 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 CBD 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.

**53ZG Exclusion of persons from CBD subject premises**

The licensee of CBD subject premises 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 Uhlans,
  - (iii) Brothers for Life,
  - (iv) Coffin Cheaters,
  - (v) Comancheros,
  - (vi) Finks,
  - (vii) Fourth Reich,
  - (viii) Gladiators,
  - (ix) Gypsy Jokers,
  - (x) Hells Angels,
  - (xi) Highway 61,
  - (xii) Life and Death,
  - (xiii) Lone Wolf,
  - (xiv) Mobshitters,
  - (xv) Mongols,
  - (xvi) Muslim Brotherhood Movement,
  - (xvii) Nomads,
  - (xviii) Notorious,
  - (xix) Odins Warriors,
  - (xx) Outcasts,
  - (xxi) Outlaws,
  - (xxii) Phoenix,
  - (xxiii) Rebels,
  - (xxiv) Scorpions, 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).

**53ZH Entry after drinking in alcohol-free zone or alcohol prohibited area**

- (1) A licensee or staff member of CBD subject premises located in or near an alcohol-free zone or alcohol prohibited area under the *Local Government Act 1993* who observes a person drinking alcohol, or who has reasonable cause to believe a person has recently been drinking alcohol in that area or zone, must not permit the person to enter the CBD subject premises.
- (2) In this clause:  
**staff member**, in relation to CBD 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.

**[35] Clauses 53ZA–53ZC**

Renumber as clauses 53ZI–53ZK, respectively.

**[36] Schedule 2 Penalty notice offences**

Omit “Clause 40 (1A)”. Insert instead “Clause 40 (1A) or (1B)”.

**[37] Schedule 2, column 1**

Omit “Clause 40 (2A)”. Insert instead “Clause 40 (2A) or (2B)”.

**[38] Schedule 2, column 1**

Omit “Clause 41 (2)”. Insert instead “Clause 41 (2) or (3)”.

**[39] Schedule 2, column 1**

Omit “Clause 42 (1A)”. Insert instead “Clause 42 (1A) or (1B)”.

**[40] Schedule 2, column 1**

Omit “Clause 42 (3)”. Insert instead “Clause 42 (3) or (3A)”.

**[41] Schedule 2, column 1**

Omit “Clause 42A (1)”. Insert instead “Clause 42A (1) or 42B (1)”.

**[42] Schedule 2, column 1**

Omit “Clause 42A (2)”. Insert instead “Clause 42A (2) or 42B (2)”.