



New South Wales

Liquor Amendment (Miscellaneous) Regulation 2014

under the
Liquor Act 2007

His 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 object of this Regulation is to amend the *Liquor Regulation 2008* as follows:

- (a) to provide that the restriction on passengers of licensed vessels boarding from, or disembarking to, any part of the Sydney CBD Entertainment precinct after midnight will not apply between midnight and 3 am on new year's day,
- (b) to exempt vessels that operate passenger voyages within the coastal waters of the State from the licensing requirements under the *Liquor Act 2007*,
- (c) to provide that the recording of the amount of liquor sold after 8 pm for consumption on licensed premises in the Kings Cross precinct is to be done, in the case of high risk venues, on an hourly basis and, in the case of other licensed premises in that precinct, on a daily basis,
- (d) to enable the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services to grant exemptions from the special licence conditions that apply to premises situated in the Kings Cross precinct (other than the condition to record alcohol sales data),
- (e) to provide that the information recorded by patron ID scanners in the Kings Cross and Sydney CBD Entertainment precincts may include a photograph of the patron that is taken by the scanner when the patron presents the patron's photo ID,
- (f) to enable a penalty notice to be issued for the offence of producing a false ID to gain entry to licensed premises in the Sydney CBD Entertainment precinct or for the offence of contravening a banning order operating in that precinct,
- (g) to make other miscellaneous amendments of a minor nature.

This Regulation is made under the *Liquor Act 2007*, including sections 11 (1) (b), 116AC (1) (e), 116A, 116E (1) (e), 150 and 159 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Liquor Amendment (Miscellaneous) Regulation 2014*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Liquor Regulation 2008

[1] Clause 38B Condition relating to licensed vessels

Omit “by subclause (2)” from clause 38B (1). Insert instead “by this clause”.

[2] Clause 38B (3)

Insert after clause 38B (2):

- (3) Subclause (1) does not apply in relation to the period between midnight and 3 am on 1 January in any year.

[3] Clause 53O

Omit the clause. Insert instead:

53O Alcohol sales data

- (1) The licensee of subject premises must record the amount of liquor sold or supplied for consumption on the premises during the evening trading period.
- (2) Any such record must:
 - (a) be in the form, and be kept in the manner, approved by the Director-General, and
 - (b) be made available for inspection on request at any time by an authorised officer.
- (3) In the case of a high risk venue specified in clause 53R, the amount of liquor sold or supplied during the evening trading period is to be recorded on an hourly basis.
- (4) In the case of any other subject premises, the amount of liquor sold or supplied during the evening trading period is to be recorded on a daily basis.
- (5) 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 Director-General. Any such composite record is to be in the form approved by the Director-General.
- (6) 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.

[4] Clause 53P Exemptions

Omit clause 53P (1). Insert instead:

- (1) The Director-General may, on application by the licensee of subject premises, exempt the licensee, by order in writing served on the licensee, from any provision of this Division (other than clause 53O).

[5] Clause 53Q Information recorded by patron ID scanners

Insert after clause 53Q (b):

- (c) a photograph of the person taken by the patron ID scanner at the time the person’s photo ID is scanned.

[6] Clause 53ZD Requirement for RSA marshals during RSA supervised trading period

Insert “all times” before “after midnight” in clause 53ZD (3).

[7] Clause 53ZL

Insert after clause 53ZK:

53ZL 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.

[8] Clause 70A

Insert after clause 70:

70A Exemption relating to cruise ships operating in coastal waters

The provisions of the Act relating to the sale or supply of liquor do not apply to the sale or supply of liquor on board a vessel engaged in voyages that operate wholly or partly within the coastal waters of the State (within the meaning of Part 10 of the *Interpretation Act 1987*) if the following requirements are complied with:

- (a) the vessel has sleeping facilities for at least 100 passengers,
- (b) liquor is sold or supplied only to registered fee-paying passengers or crew members,
- (c) liquor is sold or supplied only for consumption on board the vessel,
- (d) liquor is not sold or supplied to minors,
- (e) liquor is not sold or supplied to a person who is intoxicated.

[9] Schedule 2 Penalty notice offences

Insert in appropriate order under the heading **Offences under the Act**:

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|------------------|---------|
| Section 116E (3) | \$550 |
| Section 116F (5) | \$550 |
| Section 116G (8) | \$2,200 |