



New South Wales

# Liquor Legislation Amendment (Statutory Review) Bill 2014

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend various legislation to give effect to certain recommendations arising out of the statutory review of the *Liquor Act 2007* and the *Gaming and Liquor Administration Act 2007* and to implement certain other reforms. In particular, the Bill:

- (a) modifies the grounds on which the Independent Liquor and Gaming Authority (the **Authority**) can issue long-term banning orders prohibiting persons from entering licensed premises in the Kings Cross or Sydney CBD precincts, and
- (b) provides for an escalating regime of sanctions (including automatic licence suspension or cancellation) for selling liquor to minors on licensed premises, and
- (c) provides that liquor may be supplied on unlicensed premises to a minor by a parent of the minor, or by a person authorised by a parent of the minor, only if the supply is consistent with the responsible supervision of the minor, and
- (d) provides that liquor may be sold or supplied without a licence at a fundraising function held by or on behalf of a non-proprietary association but only if certain requirements are complied with (including supervision and responsible service of alcohol requirements), and
- (e) enables beer and spirits producers to sell their products for consumption on their licensed premises or at industry shows, and
- (f) makes it clear that an authorisation granted to the holder of an on-premises licence to sell liquor otherwise than with, or ancillary to, the primary product or service provided on the licensed premises is subject to the requirement that the primary product or service must be available at all times when liquor is being sold under the authorisation, and

- (g) provides for a new type of extended trading authorisation that enables licensed premises to trade late outside of the standard trading period (but no later than 3 am) on up to 12 occasions over a 12-month period, and
- (h) enables the Minister to exempt venues in the Kings Cross and Sydney CBD precincts from the patron ID scanning requirements in certain circumstances, and
- (i) requires certain decisions by the Authority or the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services (the *Secretary*) under the liquor legislation, and the reasons for such decisions, to be published on the Authority's or Department's website, and
- (j) enables the Authority to suspend or revoke a person's RSA certification, or to disqualify a person from holding RSA certification for a specified period, if the person has contravened the person's obligations in relation to the responsible service of alcohol, and
- (k) provides an alternative process for the transfer of a licence in cases where the ownership of the business carried on under the licence remains unchanged, and
- (l) inserts objects into the *Gaming and Liquor Administration Act 2007*, and
- (m) makes a number of other amendments of an administrative or minor nature.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation:

## Schedule 1 Amendment of Liquor Act 2007 No 90

**Schedule 1 [1] and [2]** update provisions that contain references to the Director-General (these references are required by an administrative arrangements order under the *Constitution Act 1902* to be construed as references to the Secretary).

**Schedule 1 [3]** provides that the sale or supply of liquor at a fundraising function held by or on behalf of a non-proprietary association will be exempt from the licensing requirements under the Act if certain requirements are complied with. Only 6 such exempted functions can be held in any 12-month period and a non-proprietary association will not be eligible for the exemption if a limited licence is already held on its behalf or if the Secretary has declared that the association is not eligible for the exemption. The Secretary may also give directions to an association relating to the conduct of a function held in accordance with the proposed exemption.

**Schedule 1 [4]** omits a note that is no longer necessary.

**Schedule 1 [5], [6] and [26]** provide that any requirements prescribed by the regulations relating to the availability of food on licensed premises (including small bars) are to relate to the nature of the food but not to quality.

**Schedule 1 [7] and [8]** ensure that the primary purpose of the business or activity carried out on the licensed premises to which an on-premises licence applies must not at any time be the sale or supply of liquor and that any authorisation to sell liquor otherwise than with, or ancillary to, the primary product or service provided on the licensed premises is subject to the requirement that the primary product or service must be available at all times when liquor is being sold under the authorisation.

**Schedule 1 [9]–[22]** authorise beer and spirits producers to sell their products at producers' markets or fairs or at industry shows, or in accordance with a drink-on-premises authorisation, in the same manner as currently applies to wine producers. **Schedule 1 [33]** is a consequential amendment.

**Schedule 1 [23]** provides that the approval by the Authority of the functions that are held under a limited licence is no longer required. **Schedule 1 [24] and [25]** modify certain requirements relating to limited licences.

**Schedule 1 [27], [45] and [47]** make it clear that the fit and proper person test in relation to licence and other similar applications extends to the relevant person's competency to carry on the business under the licence or, in the case of a person who is applying for approval as manager of licensed premises, to the person's competency to manage licensed premises.

**Schedule 1 [28]** enables a licensee to apply to the Authority for the licence to be voluntarily suspended for a specified period.

**Schedule 1 [29]–[32]** provide for the granting by the Authority of a new kind of extended trading authorisation (a “multi-occasion” extended trading authorisation) that will allow venues to trade until 3 am on up to 12 occasions over a 12-month period. An application for a multi-occasion ETA will not need to be accompanied by a community impact statement if the venue is already authorised to trade late on a regular basis.

**Schedule 1 [34]** provides that the Secretary, rather than the Authority, is to approve the form of the incident registers required to be maintained by late trading venues or those venues that are subject to the special licence conditions under Schedule 4 to the Act. **Schedule 1 [35] and [75]** provide that any such incident register must be made available for inspection by police officers and inspectors and that any information in an incident register must be retained for at least 3 years. **Schedule 1 [76]** is a consequential amendment.

**Schedule 1 [36]** provides that the Secretary, rather than the Authority, is to approve the courses of training or instruction required to be completed by licence applicants and persons applying for approval as manager of licensed premises.

**Schedule 1 [37]** provides that the regulations may require licensees and their employees to undertake and complete courses of training or instruction approved by the Secretary. At present the Authority may require such courses to be undertaken and completed.

**Schedule 1 [38]** provides that if a licence has been suspended because the periodic licence fee for the licence has not been paid within the required time, the suspension may be lifted if a late payment fee is paid. **Schedule 1 [39]** provides that non-payment of the late payment fee will result in the cancellation of the suspended licence.

**Schedule 1 [40]** is a minor amendment to ensure consistency of terminology in the Act.

**Schedule 1 [41]** provides an alternative process for licences to be transferred, without the need to apply to the Authority for approval, if there is no change in the ownership of the business carried on under the licence. However such a transfer does not have effect until the licence is endorsed by the Authority to the effect that is held by the transferee.

**Schedule 1 [42] and [43]** provide that the owner of licensed premises, or the owner of the business carried on under a licence, may apply to the Authority for the transfer of the licence to another person if the licensee is not complying (or is unable to comply) with the requirement to be responsible at all times for the personal supervision and management of the business of the licensed premises.

**Schedule 1 [44] and [46]** provide that if an application for the transfer of a licence under section 61 of the Act, or for an endorsement of a licence under section 62 of the Act, is not made within the required time or is refused by the Authority, the licence is suspended until such time as it is transferred to some other person.

**Schedule 1 [48]–[50]** provide that a licensee is taken not to have permitted intoxication on the licensed premises if the licensee complies with the Secretary's guidelines relating to the prevention of intoxication on licensed premises.

**Schedule 1 [51]** provides that a person who has been refused entry to, or turned out of, licensed premises for any reason (and not just because the person was intoxicated, violent, quarrelsome or disorderly) is prohibited from re-entering or remaining in the vicinity of the premises.

**Schedule 1 [52]** removes the requirement that the Secretary cannot restrict or prohibit the sale or supply of certain liquor products unless the Secretary is satisfied that the premises are situated in an area where there are significant concerns regarding intoxication or underage or irresponsible drinking.

**Schedule 1 [53] and [57]** enable the Minister, after considering a recommendation by the Secretary, to exempt licensed premises in the Kings Cross or Sydney CBD precincts from the patron ID scanning requirements that are designed to prevent persons subject to banning orders from entering licensed premises in those precincts.

**Schedule 1 [54]–[56] and [58]–[60]** enable the Authority to impose a long-term banning order on a person (which has the effect of prohibiting the person from entering licensed premises in the Kings Cross or Sydney CBD precinct for up to 12 months) if the person has been charged with or found guilty of a serious indictable offence involving violence that was committed in any public place, or on licensed premises, declared premises under the *Restricted Premises Act 1943* or premises used for the activities of a criminal group, while the person or any victim of the offence was affected by alcohol. Such a banning order may also be imposed if the serious indictable offence was committed on or in the vicinity of licensed premises by the licensee or manager of the premises or by any person working or performing services on the premises.

**Schedule 1 [61]** recasts the offence of supplying liquor to a minor on premises other than licensed premises so that the supply must be consistent with the responsible supervision of the minor. The amendment includes matters that are considered to be relevant for the purposes of determining whether the supply of liquor to a minor is consistent with the responsible supervision of the minor.

**Schedule 1 [62]** provides additional sanctions for the offence of selling liquor to minors on licensed premises. Under the proposed scheme, escalating sanctions will apply. For a first offence, the Secretary may suspend the licence for a period of up to 28 days. For a second offence committed at least 28 days after the first offence, the licence is automatically suspended for 28 days. For a third offence within 12 months of the previous 2 offences, the licence is automatically cancelled.

**Schedule 1 [63]–[67]** modify provisions relating to local liquor accords. Such accords will no longer need to be approved by the Secretary but will be required to be registered by the Secretary.

**Schedule 1 [68]–[70]** provide that the disciplinary action that may be taken by the Authority in relation to complaints will include a wider range of disqualifications of persons from certain activities or roles.

**Schedule 1 [71] and [72]** provide for allegations of certain matters in proceedings for offences under the Act to be evidence of the truth of the matter unless the contrary is proven.

**Schedule 1 [73]** inserts savings and transitional provisions consequent on the enactment of the proposed Act.

**Schedule 1 [74] and [78]** provide that the Secretary may extend the restricted trading period that applies to premises subject to special licence conditions in Schedule 4 to the Act for up to 2 hours before midnight if alcohol-related violence has occurred on the premises during that period.

**Schedule 1 [77]** omits a redundant provision.

## **Schedule 2      Amendment of Gaming and Liquor Administration Act 2007 No 91**

**Schedule 2 [1]** inserts objects in the Act which will include promoting fair and transparent decision making under the gaming and liquor legislation.

**Schedule 2 [2]–[5], [9]–[11], [13]–[19] and [23]–[26]** make amendments that are consequential on recent administrative changes, including the enactment of the *Government Sector Employment Act 2013* which replaced the *Public Sector Employment and Management Act 2002*. The amendments also create a distinction between the members of staff of the Authority (being those Public Service employees who are employed to enable the Authority to exercise its functions) and other Public Service employees who are engaged in the administration of the gaming and liquor legislation. The Authority will continue to have responsibility for ensuring that designated members of staff of the Authority, including inspectors who exercise additional functions in relation to the casino, have the highest standard of integrity and for determining which members of staff are key officials for the purposes of the gaming and liquor legislation. The Secretary will have a similar responsibility in relation to other Public Service employees who are engaged in the administration of the gaming and liquor legislation.

**Schedule 2 [8]** ensures that the provisions of the *Gaming Machine Tax Act 2001* which relate to the ClubGRANTS scheme and which are currently administered by the Minister for Hospitality, Gaming and Racing (ie Part 4 and Schedule 1) are subject to the investigation and enforcement powers under the *Gaming and Liquor Administration Act 2007*. **Schedule 2 [6] and [7]** are consequential amendments.

**Schedule 2 [12]** enables the Authority to delegate any of its functions to a member of the Authority and to Public Service employees.

**Schedule 2 [20] and [21]** provide that decisions by the Secretary under section 102A of the *Liquor Act 2007* to restrict or prohibit activities by licensees that encourage misuse or abuse of liquor, and decisions by the Secretary under section 136E of that Act to impose licence conditions requiring licensees to participate in precinct or community event liquor accords, are subject to review by the Authority.

**Schedule 2 [22]** requires notice of certain decisions by the Authority and the Secretary to be published on the respective websites of the Authority and the Department. The notice is to include a statement of reasons for any such decision and details of any penalty or sanction imposed or any remedial action taken.

**Schedule 2 [27]** enables regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

## **Schedule 3      Amendment of other legislation**

**Schedule 3.1** amends the *Gaming and Liquor Administration Regulation 2008* as follows:

- (a) to specify the decisions by the Authority or the Secretary that are required to be notified in accordance with the requirement under proposed section 36C of the *Gaming and Liquor Administration Act 2007* (to be inserted by **Schedule 2 [22]**),
- (b) to provide that certain offences under the Act (namely, failing to comply with a requirement to provide information and records and to answer questions in connection with an investigation, and impersonating an inspector) may be dealt with by way of a penalty notice,
- (c) to update various references as a consequence of recent administrative changes.

**Schedule 3.2** amends the *Liquor Regulation 2008* as follows:

- (a) to enable the Authority to suspend or revoke a person's RSA certification, or to disqualify a person from holding RSA certification for a specified period of up to 12 months, if the person has contravened the person's obligations in relation to the responsible service of alcohol and to enable any such person to apply to the Civil and Administrative Tribunal for a review of any such decision by the Authority,
- (b) to specify additional circumstances in which an application for a multi-occasion extended trading authorisation is not required to be accompanied by a community impact statement,

- (c) to make a number of other amendments that are consequential on the amendments made by Schedule 1 to the proposed Act (including the addition of various application and other related fees, and penalty notice amounts, arising from those amendments),
- (d) to update various references as a consequence of recent administrative changes.

**Schedule 3.3** amends the *Registered Clubs Act 1976* to make it clear that those club premises which have preserved unrestricted trading hours (and accordingly are subject to the late trading risk loading element under the periodic licence fee system) forfeit the unrestricted trading entitlement if the club chooses to only trade late under a multi-occasion extended trading authorisation granted under the *Liquor Act 2007*. Clubs may also, in order to avoid the late trading risk loading element, request the Secretary to impose a licence condition to restrict the trading hours to the standard trading period, but if that condition is subsequently revoked at the club's request the premises will revert to the previously preserved unrestricted trading hours.



New South Wales

# Liquor Legislation Amendment (Statutory Review) Bill 2014

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Liquor Act 2007 No 90	3
Schedule 2 Amendment of Gaming and Liquor Administration Act 2007 No 91	20
Schedule 3 Amendment of other legislation	24



New South Wales

# Liquor Legislation Amendment (Statutory Review) Bill 2014

No. , 2014

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## **A Bill for**

An Act to amend the *Liquor Act 2007* and the *Gaming and Liquor Administration Act 2007* following a review of those Acts; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Liquor Legislation Amendment (Statutory Review) Act 2014</i> .	3
<b>2 Commencement</b>	4
This Act commences on a day or days to be appointed by proclamation.	5

<b>Schedule 1</b>	<b>Amendment of Liquor Act 2007 No 90</b>	1
<b>[1]</b>	<b>The whole Act (except where otherwise amended by this Schedule)</b>	2
	Omit “Director-General” and “Director-General’s” wherever occurring.	3
	Insert instead “Secretary” and “Secretary’s”, respectively.	4
<b>[2]</b>	<b>Section 4 Definitions</b>	5
	Omit the definition of <i>Director-General</i> . Insert in appropriate order:	6
	<i>Secretary</i> means the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services.	7 8
<b>[3]</b>	<b>Section 6 Exemptions from Act</b>	9
	Insert after section 6 (4):	10
	<b>(5) Exemption for fundraising functions held by non-proprietary associations</b>	11
	Subject to this section, this Act does not apply to or in respect of the sale or supply of liquor at a function held by or on behalf of an eligible non-proprietary association if the following requirements are complied with:	12 13 14
	(a) the purpose of the function is to raise funds for the benefit of the association or the community,	15 16
	(b) the sale or supply of liquor is ancillary to that purpose,	17
	(c) liquor is sold or supplied from one bar only,	18
	(d) liquor is sold or supplied for consumption on the premises only and only in open containers,	19 20
	(e) liquor is sold or supplied for a continuous period of not more than 4 hours,	21 22
	(f) liquor is not sold or supplied before 6 am or after midnight,	23
	(g) any person who sells, supplies or serves liquor at the function has the same qualifications with respect to responsible service of alcohol as licensees and employees of licensees are required to have under this Act,	24 25 26 27
	(h) liquor is not sold or supplied to minors,	28
	(i) a member of the non-proprietary association who is an adult, or a person involved in the management of the association who is an adult, and who is not intoxicated, is to be present in the immediate vicinity of the bar area at all times that minors are present at the function,	29 30 31 32
	(j) liquor is not sold or supplied to a person who is intoxicated,	33
	(k) meals or other prepared food (namely, food requiring preparation, cooking or reheating before being eaten) and free drinking water are available whenever liquor is sold or supplied,	34 35 36
	(l) police officers and inspectors are permitted full and free access to the premises where the function is held at all times while the function is being held,	37 38 39
	(m) notice, in the form and manner approved by the Secretary, of the function has been given, at least 14 days before the function is held, to the Secretary, local police and the local council in whose area the function is to be held,	40 41 42 43

- (n) no more than 250 people are attending the function, 1
- (o) no more than 6 functions in any period of 12 months are held in accordance with the exemption under this subsection. 2  
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- (6) A non-proprietary association is not an *eligible* association for the purposes of subsection (5) if: 4  
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- (a) the association is subject to an order under subsection (7), or 6
- (b) a limited licence is held on behalf of the association, or 7
- (c) an order under section 141 (2) (i) that a limited licence is not to be granted to any person on behalf of the association is in force, or 8  
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- (d) any disciplinary action under section 141 has, during the period of 6 months before any function is held in accordance with the exemption under subsection (5), been taken against a person who held a limited licence on behalf of the association, or 10  
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- (e) the association, or the secretary or an office holder of the association, has committed a prescribed offence within the meaning of section 144B during the period of 6 months before any function is held in accordance with the exemption under subsection (5). 14  
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- For the purposes of paragraph (e), a prescribed offence is committed in the circumstances referred to in section 144C. 18  
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- (7) The Secretary may, by order in writing given to a non-proprietary association, declare that the association is not an eligible association for the purposes of subsection (5). Any such order has effect for the period specified in the order. 20  
21  
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- (8) The regulations may: 23
- (a) create exceptions to subsection (5) (including modifying any of the requirements specified in that subsection), and 24  
25
- (b) prescribe additional requirements that must be complied with for the purposes of subsection (5). 26  
27
- (9) Any offence that is committed under this Act because the requirements of subsection (5) are not complied with is taken to have been committed by: 28  
29
- (a) the non-proprietary association holding the function or on whose behalf the function is held, or 30  
31
- (b) in the case of a non-proprietary association that is not incorporated—the secretary or other relevant office holder of the association. 32  
33
- (10) **Directions relating to conduct of functions under subsection (5)** 34
- The Secretary may give a written direction to a non-proprietary association or, in the case of a non-proprietary association that is not incorporated, to the secretary of the association or other relevant office holder of the association, that relates to the conduct of a function held by or on behalf of the association in accordance with the exemption under subsection (5). 35  
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- (11) Without limitation, any such direction may prohibit or restrict the sale or supply of liquor at any such function. 40  
41
- (12) A direction under subsection (10): 42
- (a) takes effect when it is given to the non-proprietary association or person concerned or on a later date specified in the direction, and 43  
44
- (b) may be varied or revoked by the Secretary, and 45
- (c) has effect despite the exemption under subsection (5). 46

(13)	A non-proprietary association or person who, without reasonable excuse, fails to comply with a direction given to the association or person under subsection (10) is guilty of an offence. Maximum penalty: 50 penalty units.	1 2 3 4
(14)	<b>General provision</b> For the avoidance of doubt, an exemption under this section does not have effect if any requirement that applies in relation to the exemption is not complied with.	5 6 7 8
[4]	<b>Section 12 Standard trading period for certain licensed premises</b> Omit the note to section 12 (1).	9 10
[5]	<b>Sections 17 (4) and 27 (2)</b> Omit “and quality” wherever occurring.	11 12
[6]	<b>Section 20C Small bar licence—miscellaneous conditions</b> Insert “If any requirements are prescribed by the regulations in relation to the nature of any such food, those requirements must be complied with.” after “the premises.” in section 20C (4).	13 14 15 16
[7]	<b>Sections 22 (2) and 23 (6) (b)</b> Insert “at any time” after “licensed premises” wherever occurring.	17 18
[8]	<b>Section 24 On-premises licence—sale or supply of liquor must be with or ancillary to other product or service</b> Omit section 24 (3). Insert instead: (3) <b>Authorisation to sell or supply liquor without other product or service</b> Despite subsection (1), the Authority may, on application by the holder of an on-premises licence, endorse the licence with an authorisation that allows liquor to be sold or supplied for consumption on the licensed premises otherwise than with, or ancillary to, the other product or service referred to in that subsection. <b>Note.</b> Section 51 applies to any such authorisation.	19 20 21 22 23 24 25 26 27 28
(3A)	However, the other product or service must be available on the licensed premises at all times while the authorisation operates to allow liquor to be sold or supplied otherwise than with, or ancillary to, the product or service.	29 30 31
[9]	<b>Section 33 Producers—authorisation conferred by licence</b> Omit the heading to section 33 (1).	32 33
[10]	<b>Section 33 (1)</b> Omit “or as a producer of cider, perry or mead”. Insert instead “, as a producer of cider, perry or mead or as a producer of beer or spirits”.	34 35 36
[11]	<b>Section 33 (1) (b)</b> Insert “and only if it is supplied in sealed containers” after “only”.	37 38
[12]	<b>Sections 33 (1) (d), 35 (3) and 47A (3) (b)</b> Omit “a wine” wherever occurring. Insert instead “an industry”.	39 40

<b>[13] Sections 33 (1) (d) and 35 (3) (b)</b>	1
Omit “the wine”. Insert instead “the industry”.	2
<b>[14] Section 33 (2)</b>	3
Insert “or the sale or supply of beer or spirits,” after “mead,”.	4
<b>[15] Section 33 (3) (a)</b>	5
Insert “in the case of wine or cider, perry or mead—” before “it”.	6
<b>[16] Section 33 (3) (d)</b>	7
Insert at the end of section 33 (3) (c):	8
, or	9
(d) in the case of beer or spirits—it has been produced on the licensed premises and is uniquely the licensee’s (or a related corporation of the licensee’s) own product.	10 11 12
<b>[17] Section 33 (5), definition of “wine show”</b>	13
Omit the definition. Insert in appropriate order:	14
<i>industry show</i> means a wine, beer, spirits or other liquor show at which liquor products are promoted and that is held by an industry association.	15 16
<b>[18] Section 34 Producers of beer or spirits</b>	17
Omit the section.	18
<b>[19] Section 35 Producers—miscellaneous provisions</b>	19
Omit section 35 (1). Insert instead:	20
(1) This section applies in relation to a producer/wholesaler licence under which the licensee carries on business as a wine producer, as a producer of cider, perry or mead or as a producer of beer or spirits.	21 22 23
<b>[20] Section 35 (2)</b>	24
Insert “, in the case of a wine producer only,” after “may”.	25
<b>[21] Section 35 (3), heading</b>	26
Omit “Wine shows”. Insert instead “Industry shows”.	27
<b>[22] Section 35 (5)</b>	28
Omit “wine”. Insert instead “industry”.	29
<b>[23] Section 36 Authorisation conferred by limited licence</b>	30
Omit section 36 (3) and (4). Insert instead:	31
(3) <b>Maximum number of functions per year</b>	32
The number of functions held under a limited licence is not to exceed 52 per year or such other number as the Authority considers appropriate in any particular case. This subsection does not apply in relation to a function referred to in subsection (5) or (6).	33 34 35 36

(4)	<b>Notification requirements</b>	1
	Liquor may only be sold or supplied under a limited licence at a function if notice, in the form and manner approved by the Secretary, of the function has been given to the local police at least 14 days before it is held. This subsection does not apply in relation to a function referred to in subsection (5) or (6).	2 3 4 5
[24]	<b>Section 36 (5)</b>	6
	Omit “Commissioner of Police, the Authority”. Insert instead “local police”.	7
[25]	<b>Section 38 Limited licence—miscellaneous conditions</b>	8
	Omit section 38 (4) (g). Insert instead:	9
	(g) a member of the club who is an adult and who is not intoxicated must be present in the immediate vicinity of the bar area at all times that minors are present at the function,	10 11 12
[26]	<b>Section 38 (4A)</b>	13
	Insert after section 38 (4):	14
	(4A) If, for the purposes of subsection (4) (d), any requirements are prescribed by the regulations in relation to the nature of any such food, those requirements must be complied with.	15 16 17
[27]	<b>Section 45 Decision of Authority in relation to licence applications</b>	18
	Insert after section 45 (5):	19
	(5A) Without limiting subsection (3) (a), in determining whether an applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant:	20 21 22
	(a) is of good repute, having regard to character, honesty and integrity, and	23
	(b) is competent to carry on that business or activity.	24
[28]	<b>Section 46A</b>	25
	Insert after section 46:	26
	<b>46A Voluntary suspension of licence</b>	27
	(1) A licensee may apply to the Authority to have the licence suspended by the Authority for a specified period.	28 29
	(2) An application for the suspension of a licence must:	30
	(a) be in the form and manner approved by the Authority, and	31
	(b) specify the period that the licensee is seeking to have the licence suspended, and	32 33
	(c) specify the reasons for the proposed suspension, and	34
	(d) be accompanied by such fee as may be prescribed by the regulations.	35
	(3) The Authority may, if the Authority is satisfied that the suspension of the licence is reasonable in the circumstances, suspend the licence, by notice in writing to the licensee, for the period specified in the notice.	36 37 38
	<b>Note.</b> A licence may also be suspended by or under section 58B, 61 (5A), 130C or 130D, Part 9 or 9A or by a court under section 148.	39 40

(4)	The Authority may, on application by a licensee and on payment of such fee as may be prescribed by the regulations, vary or revoke the suspension of a licence under this section.	1 2 3
<b>[29]</b>	<b>Section 48 Community impact</b>	4
	Insert after section 48 (3C):	5
(3D)	Despite subsection (3), an application for a multi-occasion extended trading authorisation (as referred to in section 49B) is not required to be accompanied by a community impact statement if:	6 7 8
(a)	an extended trading authorisation of the kind referred to in section 49 (5) (a) is in force in respect of the licensed premises concerned, or	9 10 11
(b)	the application is made in respect of club premises that have unrestricted trading hours in accordance with clause 94 of Schedule 2 to the <i>Registered Clubs Act 1976</i> .	12 13 14
	<b>Note.</b> If the multi-occasion ETA is granted, section 49B (5) provides that any on-going ETA for the licensed premises is revoked.	15 16
<b>[30]</b>	<b>Section 49 Extended trading authorisation—general provisions</b>	17
	Insert at the end of section 49 (5) (b):	18
	, or	19
(c)	if the authorisation so provides—on up to 12 separate occasions in any period of 12 months.	20 21
<b>[31]</b>	<b>Section 49A Extended trading authorisation—small bars</b>	22
	Insert at the end of section 49A (3) (b):	23
	, or	24
(c)	if the authorisation so provides—on up to 12 separate occasions in any period of 12 months.	25 26
<b>[32]</b>	<b>Section 49B</b>	27
	Insert after section 49A:	28
<b>49B</b>	<b>Special provisions relating to multi-occasion ETAs</b>	29
(1)	This section applies to an extended trading authorisation of the kind referred to in section 49 (5) (c) or 49A (3) (c) (a <i>multi-occasion extended trading authorisation</i> ).	30 31 32
(2)	A multi-occasion extended trading authorisation cannot be granted in respect of licensed premises situated in such part of the State (if any) as may be prescribed by the regulations.	33 34 35
(3)	Despite any other provision of this Act, a multi-occasion extended trading authorisation cannot be granted to authorise the sale or supply of liquor on licensed premises after 3 am.	36 37 38
(4)	A multi-occasion extended trading authorisation is subject to the condition that, at least 6 weeks before liquor is sold or supplied on each occasion authorised by the extended trading authorisation, the following persons or bodies are to be notified by the licensee in the form and manner approved by the Secretary:	39 40 41 42 43
(a)	the local police,	44

	(b) the local consent authority,	1
	(c) the Secretary.	2
	<b>Note.</b> The actual trading hours that operate under a multi-occasion ETA are specified in the ETA—see sections 49 (6) and 49A (4).	3 4
	(5) If a multi-occasion extended trading authorisation is granted in respect of licensed premises, any extended trading authorisation of the kind referred to in section 49 (5) (a) or 49A (3) (a) that is in force for those premises is revoked.	5 6 7
<b>[33]</b>	<b>Section 50</b>	8
	Omit “for producers of wine and similar products” from the heading.	9
<b>[34]</b>	<b>Section 56 (1) and clause 7A (1) of Schedule 4</b>	10
	Omit “Authority” wherever occurring. Insert instead “Secretary”.	11
<b>[35]</b>	<b>Section 56 Incident registers</b>	12
	Insert after section 56 (3):	13
	(4) The licensee of licensed premises must, if requested to do so by a police officer or inspector:	14 15
	(a) make any incident register kept under this section available for inspection by a police officer or inspector, and	16 17
	(b) allow a police officer or inspector to take copies of any such register or to remove any such register from the premises.	18 19
	(5) The licensee must also ensure that the information recorded in an incident register is retained for at least 3 years from when the record was made.	20 21
<b>[36]</b>	<b>Sections 58 (1) and 68 (4) (c)</b>	22
	Omit “approved by the Authority” wherever occurring.	23
	Insert instead “approved by the Secretary”.	24
<b>[37]</b>	<b>Section 58 Courses of training and instruction for applicants and licensees</b>	25
	Omit section 58 (3). Insert instead:	26
	(3) The regulations may require a licensee, or any employee or agent of a licensee, to undertake and satisfactorily complete such further courses of training or instruction as may be approved by the Secretary.	27 28 29
<b>[38]</b>	<b>Section 58B Suspension and cancellation for late payment of periodic licence fee</b>	30
	Omit section 58B (2). Insert instead:	31
	(2) The suspension is lifted if:	32
	(a) the periodic licence fee, and	33
	(b) the late payment fee prescribed by the regulations,	34
	are paid within 28 days of the suspension.	35
<b>[39]</b>	<b>Section 58B (3)</b>	36
	Omit “is not”. Insert instead “and any such late payment fee are not”.	37
<b>[40]</b>	<b>Section 60 Transfer of licence</b>	38
	Omit “kind of licence” from section 60 (1). Insert instead “type of licence”.	39



<b>[41] Section 60A</b>	1
Insert after section 60:	2
<b>60A Alternative process for transfer of licence</b>	3
(1) A licence may not be transferred under this section if the transfer involves a change in the ownership of the business carried on under the licence.	4 5
(2) A licence may be transferred under this section to another person (the <i>transferee</i> ) but only if:	6 7
(a) the transferee is the holder of a licence of the same type as the transferred licence or was, at any time during the period of 3 years immediately before the transfer, the holder of a licence of the same type as the transferred licence, and	8 9 10 11
(b) the transferee has not committed a prescribed offence within the meaning of section 144B during that 3-year period, and	12 13
(c) the licence has not been suspended (otherwise than under section 46A) or cancelled, or the licensee has not been disqualified from holding a licence, during that 3-year period.	14 15 16
(3) The transfer of a licence under this section does not have effect until:	17
(a) the transferee has given the Authority notice in writing of the transfer, and	18 19
(b) the Authority, on payment of such fee as may be prescribed by the regulations, endorses the licence to the effect that the licence is held by the transferee.	20 21 22
(4) The Authority may refuse to endorse the licence to that effect if the Authority is of the opinion that the requirements under subsection (2) are not satisfied in relation to the transfer of the licence.	23 24 25
(5) A notice under this section must:	26
(a) be in the form approved by the Authority, and	27
(b) be accompanied by the written consent of the owner of the business carried on under the licence to the transfer, and	28 29
(c) must be accompanied by a declaration in writing, in a form approved by the Authority, certifying such matters as may be required by the approved form (including matters relating to the transferee's responsibilities in relation to, and capacity to implement, practices in place at the licensed premises for ensuring the responsible sale, supply and service of alcohol, and the prevention of intoxication, on the premises).	30 31 32 33 34 35 36
(6) For the purposes of subsection (2) (b), a prescribed offence is committed in the circumstances referred to in section 144C.	37 38
<b>[42] Section 61 Application for transfer of licence on dispossession of licensee</b>	39
Omit "or in attendance at the premises in the capacity as licensee" from section 61 (1) (c).	40
<b>[43] Section 61 (1) (d)</b>	41
Insert at the end of section 61 (1) (c):	42
, or	43
(d) the licensee is not complying, or does not have the capacity to comply, with the requirement under section 91 (1) to be responsible at all times	44 45

	for the personal supervision and management of the business of the licensed premises.	1 2
<b>[44]</b>	<b>Section 61 (5A)</b>	3
	Insert after section 61 (5):	4
	(5A) If:	5
	(a) an application under subsection (2) in respect of the licensed premises is not made within 28 days after this section becomes applicable, or	6 7
	(b) such an application is made but the transfer of the licence to the applicant is refused by the Authority,	8 9
	the licence is suspended until such time as the licence is transferred to another person.	10 11
<b>[45]</b>	<b>Section 63 Grant of application for endorsement of licence following death etc of licensee</b>	12 13
	Insert after section 63 (1):	14
	(1A) Without limiting subsection (1), in determining whether a person is a fit and proper person to carry on the business to which the application relates the Authority is to consider whether the person:	15 16 17
	(a) is of good repute, having regard to character, honesty and integrity, and	18
	(b) is competent to carry on that business.	19
<b>[46]</b>	<b>Section 63 (5A)</b>	20
	Insert after section 63 (5):	21
	(5A) If, following the death of a licensee:	22
	(a) an application under section 62 for endorsement of the licence is not made within the period required by section 62 (3), or	23 24
	(b) such an application is made within that period but the application is refused by the Authority,	25 26
	the licence is suspended until such time as the licence is transferred to another person.	27 28
<b>[47]</b>	<b>Section 68 Approval of persons to manage licensed premises</b>	29
	Insert after section 68 (4B):	30
	(4C) Without limiting subsection (4) (a), in determining whether a person is a fit and proper person to manage licensed premises the Authority is to consider whether the person:	31 32 33
	(a) is of good repute, having regard to character, honesty and integrity, and	34
	(b) is competent to manage licensed premises.	35
<b>[48]</b>	<b>Section 73 Prevention of excessive consumption of alcohol on licensed premises</b>	36
	Omit “or all other reasonable steps to prevent intoxication on the licensed premises” from section 73 (4) (a).	37 38

<b>[49] Section 73 (4) (a1)</b>	1
Insert after section 73 (4) (a):	2
(a1) that the licensee, and the licensee’s employees or agents, took the steps set out in the guidelines under subsection (5A) to prevent intoxication on the licensed premises, or	3 4 5
<b>[50] Section 73 (5A)</b>	6
Insert after section 73 (5):	7
(5A) The Secretary is to issue guidelines relating to the prevention of intoxication on licensed premises. Such guidelines are to be made publicly available in such manner as the Secretary considers appropriate.	8 9 10
<b>[51] Section 77 Non-voluntary exclusion of persons from licensed premises</b>	11
Omit “because the person was intoxicated, violent, quarrelsome or disorderly,” from section 77 (6) and (8) wherever occurring.	12 13
<b>[52] Section 101 Secretary may restrict or prohibit sale or supply of undesirable liquor products</b>	14 15
Omit section 101 (3). Insert instead:	16
(3) The Secretary must not give a notice under this section unless the Secretary is satisfied that the liquor product is being sold on the licensed premises to which the proposed notice relates.	17 18 19
<b>[53] Section 116AC High risk venues—licence conditions relating to ID scanning</b>	20
Insert after section 116AC (6):	21
(7) <b>Exemption from patron ID scanning requirements</b>	22
The Minister may, on application by the licensee of a high risk venue and on payment of a reasonable fee determined by the Minister, exempt the licensee, by order in writing served on the licensee, from the condition referred to in subsection (1) (a) (the <i>patron ID scanning requirement</i> ).	23 24 25 26
(8) An order under subsection (7) may provide that the exemption from the patron ID scanning requirement:	27 28
(a) applies to the whole or any specified part of the high risk venue concerned for such period as is specified in the order, and	29 30
(b) is subject to such conditions as may be specified in the order.	31
(9) The Minister may exempt the licensee of a high risk venue from the patron ID scanning requirement only:	32 33
(a) if the Minister is satisfied that the exemption is unlikely to result in an increase in the level of alcohol-related violence or anti-social behaviour or other alcohol-related harm in the Kings Cross precinct, and	34 35 36
(b) after considering a recommendation by the Secretary in relation to the exemption.	37 38
(10) An application for an exemption under subsection (7) must be in the form and manner approved by the Minister.	39 40

<b>[54] Section 116AE Long-term banning orders—high risk venues</b>	1
Omit section 116AE (3) (a). Insert instead:	2
(a) has been charged with, or found guilty of, a serious indictable offence involving violence that was committed by the person in a public place or on relevant premises while the person or any victim of the offence was affected by alcohol, or	3 4 5 6
(a1) has been charged with, or found guilty of, a serious indictable offence involving violence that was committed by the person on or in the vicinity of licensed premises and the person was, at the time of the offence:	7 8 9 10
(i) the licensee or manager of the premises, or	11
(ii) working or performing services of any kind on the premises in the course of any employment (whether paid or unpaid) or in a volunteer capacity, being work or services related to the business carried on under the licence.	12 13 14 15
<b>[55] Section 116AE (8A)</b>	16
Insert after section 116AE (8):	17
(8A) A long-term banning order made on the ground that a person has been charged with, or found guilty of, a serious indictable offence is revoked if the charge is withdrawn or dismissed or the finding is overturned on appeal.	18 19 20
<b>[56] Section 116AE (10) and (11)</b>	21
Insert after section 116AE (9):	22
(10) In subsection (3) (a):	23
<b>public place</b> includes a place:	24
(a) of public resort open to or used by the public as of right, or	25
(b) for the time being:	26
(i) used for a public purpose, or	27
(ii) open to access by the public,	28
whether on payment or otherwise, or	29
(c) open to access by the public by the express or implied permission of the owner of the place, whether the place is or is not always open to the public.	30 31 32
<b>relevant premises</b> means any of the following:	33
(a) licensed premises,	34
(b) premises declared under section 3 of the <i>Restricted Premises Act 1943</i> to be premises to which Part 2 of that Act applies,	35 36
(c) premises on which the activities of a criminal group (within the meaning of Division 5 of Part 3A of the <i>Crimes Act 1900</i> ) are carried out.	37 38 39
(11) A reference in subsection (3) to a serious indictable offence includes a reference to an offence under the law of another State or Territory that would, had it occurred in New South Wales, have been a serious indictable offence for the purposes of that subsection.	40 41 42 43

<b>[57] Section 116E High risk venues—licence conditions relating to ID scanning</b>	1
Insert after section 116E (6):	2
(7) <b>Exemption from patron ID scanning requirements</b>	3
The Minister may, on application by the licensee of a high risk venue and on payment of a reasonable fee determined by the Minister, exempt the licensee, by order in writing served on the licensee, from the condition referred to in subsection (1) (a) (the <i>patron ID scanning requirement</i> ).	4 5 6 7
(8) An order under subsection (7) may provide that the exemption from the patron ID scanning requirement:	8
(a) applies to the whole or any specified part of the high risk venue concerned for such period as is specified in the order, and	9 10 11
(b) is subject to such conditions as may be specified in the order.	12
(9) The Minister may exempt the licensee of a high risk venue from the patron ID scanning requirement only:	13
(a) if the Minister is satisfied that the exemption is unlikely to result in an increase in the level of alcohol-related violence or anti-social behaviour or other alcohol-related harm in the prescribed precinct in which the high risk venue is situated, and	14 15 16 17 18
(b) after considering a recommendation by the Secretary in relation to the exemption.	19 20
(10) An application for an exemption under subsection (7) must be in the form and manner approved by the Minister.	21 22
<b>[58] Section 116G Long-term banning orders—high risk venues</b>	23
Omit section 116G (3) (a). Insert instead:	24
(a) has been charged with, or found guilty of, a serious indictable offence involving violence that was committed by the person in a public place or on relevant premises while the person or any victim of the offence was affected by alcohol, or	25 26 27 28
(a1) has been charged with, or found guilty of, a serious indictable offence involving violence that was committed by the person on or in the vicinity of licensed premises and the person was, at the time of the offence:	29 30 31 32
(i) the licensee or manager of the premises, or	33
(ii) working or performing services of any kind on the premises in the course of any employment (whether paid or unpaid) or in a volunteer capacity, being work or services related to the business carried on under the licence.	34 35 36 37
<b>[59] Section 116G (7A)</b>	38
Insert after section 116G (7):	39
(7A) A long-term banning order made on the ground that a person has been charged with, or found guilty of, a serious indictable offence is revoked if the charge is withdrawn or dismissed or the finding is overturned on appeal.	40 41 42

<b>[60] Section 116G (9) and (10)</b>	1
Insert after section 116G (8):	2
(9) In subsection (3) (a), <i>public place</i> and <i>relevant premises</i> have the same meanings as in section 116AE (10).	3 4
(10) A reference in subsection (3) to a serious indictable offence includes a reference to an offence under the law of another State or Territory that would, had it occurred in New South Wales, have been a serious indictable offence for the purposes of that subsection.	5 6 7 8
<b>[61] Section 117 Offences relating to sale or supply of liquor to minors</b>	9
Omit section 117 (4) and (5). Insert instead:	10
(4) <b>Supplying liquor to minors on other premises</b>	11
A person must not supply liquor to a minor on any premises other than licensed premises unless:	12 13
(a) the person is a parent or guardian of the minor or is authorised to supply liquor to the minor by a parent or guardian of the minor, and	14 15
(b) the supply is consistent with the responsible supervision of the minor.	16
Maximum penalty: 100 penalty units or 12 months imprisonment (or both).	17
(5) The matters that are considered to be relevant in determining whether the supply of liquor is consistent with the responsible supervision of a minor for the purposes of subsection (4) include the following:	18 19 20
(a) the age of the minor,	21
(b) whether the person supplying the liquor to the minor is intoxicated,	22
(c) whether the minor is consuming the liquor with food,	23
(d) whether the person supplying the liquor is responsibly supervising the minor's consumption of the liquor,	24 25
(e) the quantity and type of liquor supplied and the period of time over which it is supplied,	26 27
(f) such other matters as may be prescribed by the regulations.	28
(5A) The supply of liquor to a minor who is intoxicated is not, in any circumstances, consistent with the responsible supervision of the minor for the purposes of subsection (4).	29 30 31
<b>[62] Part 7, Division 4</b>	32
Insert after Division 3:	33
<b>Division 4 Additional sanctions for selling liquor to minors on licensed premises</b>	34 35
<b>130A Operation of Division</b>	36
(1) This Division provides for the imposition of certain sanctions in addition to any penalty that may be imposed under this Act by a court for offences under section 117 (1) committed on licensed premises.	37 38 39
(2) This Division does not limit the operation of Part 9 or 9A.	40

<b>130B Interpretation</b>	1
(1) In this Division:	2
<i>prescribed offence</i> means an offence under section 117 (1).	3
(2) For the purposes of this Division, a <i>relevant prescribed offence event</i> occurs, in relation to a prescribed offence committed by a person, when:	4
(a) a court convicts the person of the offence (whether or not it imposes any penalty), or	5
(b) an amount is paid under a penalty notice in respect of the offence, or	6
(c) a penalty notice enforcement order under the <i>Fines Act 1996</i> is made against the person in respect of the offence.	7
(3) However, if:	8
(a) the conviction is overturned on appeal, or	9
(b) the person elects, after an amount is paid under the penalty notice, to have the offence dealt with by a court, or	10
(c) the penalty notice, or the penalty notice enforcement order to the extent that it applies to the penalty notice, is withdrawn or annulled,	11
the relevant prescribed offence event derived from the conviction, payment or making of the order is taken not to have occurred. Accordingly, any suspension or cancellation under this Division based on the relevant prescribed offence event ceases to have effect and, in the case of a licence that has been cancelled, the licence is to be restored to the former licensee.	12
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<b>130C Secretary may suspend licence for first offence</b>	22
(1) If a relevant prescribed offence event occurs in relation to a prescribed offence committed on licensed premises, the Secretary may, by order in writing served on the licensee, suspend the licence for such period (not exceeding 28 days) as is specified in the order.	23
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(2) The Secretary must not suspend a licence under this section unless the licensee has been given a reasonable opportunity to make submissions in relation to the proposed suspension.	27
	28
	29
(3) In deciding whether to suspend a licence under this section, the Secretary may, without limitation, take into consideration the compliance history of the licensee in relation to the requirements of this Part.	30
	31
	32
<b>130D Automatic 28-day licence suspension for second offence</b>	33
(1) A licence is suspended for a period of 28 days if:	34
(a) a relevant prescribed offence event occurs in relation to a prescribed offence committed on the licensed premises, and	35
(b) the prescribed offence is committed at least 28 days after, but within 12 months of, a prescribed offence previously committed on the licensed premises, and	36
(c) a relevant prescribed offence event occurred in relation to that previous offence.	37
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(2) The suspension of a licence under this section takes effect on the day on which the licensee is notified by the Secretary in writing of the suspension.	42
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<b>130E Automatic licence cancellation for third offence</b>	1
(1) A licence is cancelled if:	2
(a) a relevant prescribed offence event occurs in relation to a prescribed offence committed on the licensed premises, and	3 4
(b) during the period of 12 months (but more than 28 days) before the offence is committed a prescribed offence has been committed on the licensed premises on at least 2 previous occasions that were at least 28 days apart, and	5 6 7 8
(c) a relevant prescribed offence event occurred in relation to each of those previous offences.	9 10
(2) The cancellation of a licence under this section takes effect on the day on which the licensee is notified by the Secretary in writing of the cancellation. If at the time of the cancellation the licence is suspended under section 130D, the cancellation does not take effect until after the suspension ends.	11 12 13 14
(3) If a licence is cancelled under this section, the person who was the licence holder is disqualified from holding a licence for a period of 12 months commencing on the day on which the person is notified by the Secretary in writing of the disqualification. Any such notice may be included in the notice under subsection (2).	15 16 17 18 19
<b>[63] Section 133 Establishing local liquor accord</b>	20
Omit section 133 (1). Insert instead:	21
(1) Any 2 or more eligible parties (at least one of whom is a licensee) may enter into a local liquor accord.	22 23
<b>[64] Section 133 (2)</b>	24
Omit “The draft”. Insert instead “A”.	25
<b>[65] Section 133 (2) (c)</b>	26
Omit the paragraph. Insert instead:	27
(c) the area to which the accord applies, and	28
<b>[66] Section 133 (3)</b>	29
Omit “Commissioner of Police and the Director-General are”. Insert instead “Secretary is”.	30
<b>[67] Section 135</b>	31
Omit the section. Insert instead:	32
<b>135 Registration and termination of local liquor accord</b>	33
(1) A local liquor accord takes effect when it is registered by the Secretary.	34
(2) A local liquor accord may be terminated by the parties to the accord.	35
(3) The termination takes effect when notice in writing of the termination is given by the coordinator of the accord to the Secretary.	36 37
<b>[68] Section 141 Disciplinary powers of Authority</b>	38
Insert “, or from being the manager of licensed premises or the close associate of a licensee,” after “licence” in section 141 (2) (f).	39 40



<b>[69] Section 141 (2) (h)</b>	1
Insert “, or from holding a licence or being the close associate of a licensee, for such period as the Authority thinks fit” after “licensed premises”.	2 3
<b>[70] Section 141 (2) (j)</b>	4
Insert “or the manager of licensed premises” after “licensee”.	5
<b>[71] Section 152 Evidentiary provisions</b>	6
Omit “or of the Commissioner of Police, or of the Authority,” from section 152 (1) (p).	7
Insert instead “the Commissioner of Police, the Authority or the Secretary”.	8
<b>[72] Section 152 (1) (q1)</b>	9
Insert after section 152 (1) (q):	10
(q1) that a specified person is or was, at a specified time or during a specified period, an authorised person for the purposes of section 77,	11 12
<b>[73] Schedule 1 Savings and transitional provisions</b>	13
Insert after Part 12:	14
<b>Part 13 Provisions consequent on enactment of Liquor Legislation Amendment (Statutory Review) Act 2014</b>	15 16 17
<b>48 Definition</b>	18
In this Part:	19
<i>amending Act</i> means the <i>Liquor Legislation Amendment (Statutory Review) Act 2014</i> .	20 21
<b>49 Existing authorisations under section 24 (3)</b>	22
Section 24 (3A) (as inserted by the amending Act) extends to an authorisation under section 24 (3) that was in force immediately before the commencement of that amendment.	23 24 25
<b>50 Existing approvals of courses of training or instruction</b>	26
Any approval of a course of training or instruction by the Authority under section 58 or 68 that was in force immediately before the commencement of the amendments to those sections by the amending Act is taken to be an approval by the Secretary under those sections as so amended.	27 28 29 30
<b>51 Existing local liquor accords</b>	31
(1) The amendments made by the amending Act to Division 1 of Part 8 of this Act extend to a local liquor accord in force under that Division immediately before the commencement of those amendments.	32 33 34
(2) Any such existing local liquor accord is taken to have been registered by the Secretary under section 135 (as substituted by the amending Act).	35 36
<b>52 Existing incident registers</b>	37
Any incident register required under this Act to be maintained in the form approved by the Authority before the commencement of this clause is taken to be in a form approved by the Secretary.	38 39 40

<b>53</b>	<b>Additional sanctions for selling liquor to minors on licensed premises</b>	1
	Division 4 of Part 7 of this Act (as inserted by the amending Act) does not apply in relation to offences committed before the commencement of that Division.	2 3 4
<b>[74]</b>	<b>Schedule 4 Special licence conditions for declared premises</b>	5
	Omit “5 am.” from paragraph (b) of the definition of <i>restricted service period</i> in clause 1 (1).	6 7
	Insert instead:	8
	5 am,	9
	and includes any period specified by an order under clause 8B.	10
<b>[75]</b>	<b>Schedule 4, clause 7A</b>	11
	Insert after clause 7A (1):	12
	(1A) The licensee must, if requested to do so by a police officer or inspector:	13
	(a) make any register under this clause available for inspection by a police officer or inspector, and	14 15
	(b) allow a police officer or inspector to take copies of any such register or to remove any such register from the premises.	16 17
	(1B) The licensee must also ensure that the information recorded in a register under this clause is retained for at least 3 years from when the record was made.	18 19
<b>[76]</b>	<b>Schedule 4, clause 7A (2)</b>	20
	Omit “The”. Insert instead “A”.	21
<b>[77]</b>	<b>Schedule 4, clause 7A (3)</b>	22
	Omit the subclause.	23
<b>[78]</b>	<b>Schedule 4, clause 8B</b>	24
	Insert after clause 8A:	25
<b>8B</b>	<b>Extension of restricted service period to 2 hours before midnight</b>	26
	(1) The Secretary may, by order in writing served on the licensee of declared premises, extend the restricted service period in respect of the premises for a period of up to 2 hours before midnight if the Secretary is satisfied that alcohol-related violence has occurred on the premises during any such period.	27 28 29 30
	(2) An order under this clause is to specify the extended period and the day or days on which it operates.	31 32
	<b>Note.</b> Any such order may be amended or repealed by virtue of section 43 (2) of the <i>Interpretation Act 1987</i> .	33 34

<b>Schedule 2</b>	<b>Amendment of Gaming and Liquor Administration Act 2007 No 91</b>	1
		2
<b>[1] Section 2A</b>		3
Insert after section 2:		4
<b>2A Objects of Act</b>		5
The objects of this Act are as follows:		6
(a) to ensure the probity of public officials who are engaged in the administration of the gaming and liquor legislation,		7
		8
(b) to ensure that the Authority is accessible and responsive to the needs of all persons and bodies who deal with the Authority,		9
		10
(c) to promote fair and transparent decision-making under the gaming and liquor legislation,		11
		12
(d) to require matters under the gaming and liquor legislation to be dealt with and decided in an informal and expeditious manner,		13
		14
(e) to promote public confidence in the Authority's decision-making and in the conduct of its members.		15
		16
<b>[2] Section 3 Definitions</b>		17
Omit the definitions of <i>Chief Executive</i> , <i>Director-General</i> , <i>inspector</i> , <i>member of staff</i> and <i>relevant Division</i> .		18
		19
Insert in appropriate order:		20
<i>Chief Executive</i> means the person employed in the Public Service as the Chief Executive of the Independent Liquor and Gaming Authority.		21
		22
<i>Department</i> means the Department of Trade and Investment, Regional Infrastructure and Services.		23
		24
<i>inspector</i> means a person appointed under section 20.		25
<i>member of staff</i> means a member of staff of the Authority but does not include the Chief Executive.		26
		27
<b>Note.</b> See section 9 (2).		28
<i>Secretary</i> means the Secretary of the Department.		29
<b>[3] Sections 3 (paragraph (c) of the definition of "key official"), 17 (2) (a), 20, 36 (2), 36A, 36B, 37 (b), 38 and 38A (1)</b>		30
		31
Omit "Director-General" and "Director-General's" wherever occurring.		32
Insert instead "Secretary" and "Secretary's", respectively.		33
<b>[4] Section 3, definition of "key official"</b>		34
Omit "Director-General" from paragraph (d). Insert instead "Authority".		35
<b>[5] Section 3, definition of "key official"</b>		36
Insert after paragraph (d):		37
(d1) a Public Service employee (other than a member of staff or the Chief Executive) engaged in the administration of the gaming and liquor legislation who is the subject of a current written order by the Secretary that has been served on the employee and is to the effect that the employee is a key official for the purposes of the gaming and liquor legislation,		38
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<b>[6] Section 4 Meaning of “gaming and liquor legislation”</b>	1
Insert “or specified parts of Acts” after “following Acts”.	2
<b>[7] Section 4, definition of “gaming and liquor legislation”</b>	3
Insert “or parts” after “those Acts”.	4
<b>[8] Section 4, definition of “gaming and liquor legislation”</b>	5
Insert after paragraph (e):	6
(f) <i>Gaming Machine Tax Act 2001</i> (Part 4 and Schedule 1).	7
<b>[9] Section 9 General functions of Authority</b>	8
Omit section 9 (2) (including the note). Insert instead:	9
(2) Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Authority to exercise its functions.	10
<b>Note.</b> Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Authority makes use of) may be referred to as officers or employees, or members of staff, of the Authority. Section 47A of the <i>Constitution Act 1902</i> precludes the Authority from employing staff.	11
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<b>[10] Section 9 (3)</b>	16
Omit “however”. Insert instead “, without limiting subsection (2)”.	17
<b>[11] Section 9 (3) (b)</b>	18
Omit “Division of the Government Service (other than the relevant Division)”.	19
Insert instead “Public Service agency”.	20
<b>[12] Section 13 Delegation of Authority’s functions</b>	21
Omit paragraph (a) of the definition of <i>authorised person or body</i> in section 13 (3).	22
Insert instead:	23
(a) a member of the Authority, or	24
(a1) a member of staff or other Public Service employee, or	25
<b>[13] Section 14 Persons engaged in administration of gaming and liquor legislation to be of highest integrity</b>	26
Insert after section 14 (1) (b):	27
(b1) inspector exercising functions under Division 5 of Part 4 and designated by the Authority in writing for the purposes of this section ( <i>casino inspector</i> ),	28
	29
	30
	31
(b2) inspector (other than a casino inspector) designated by the Secretary in writing for the purposes of this section ( <i>general inspector</i> ),	32
	33
<b>[14] Section 14 (3) (c) and (d)</b>	34
Insert at the end of section 14 (3) (b):	35
, or	36
(c) the Authority—in the case of the position of casino inspector, or	37
(d) the Secretary—in the case of the position of general inspector.	38

<b>[15] Section 14 (5)</b>	1
Omit “must comply with such guidelines as the Authority”.	2
Insert instead “and the Secretary must comply with such guidelines as the Authority or the Secretary (as the case requires)”.	3 4
<b>[16] Section 14 (12)</b>	5
Omit “member of staff or consultant to the Authority”.	6
Insert instead “member of staff, consultant to the Authority or casino inspector”.	7
<b>[17] Section 14 (13)</b>	8
Insert after section 14 (12):	9
(13) In the case of the position of general inspector, the Secretary may waive the operation of subsection (10) in a particular case.	10 11
<b>[18] Section 16 Restrictions relating to key officials and former key officials</b>	12
Omit paragraph (a) of the definition of <i>appropriate authority</i> in section 16 (4).	13
Insert instead:	14
(a) in the case of a member of staff or former member of staff—the Authority, or	15 16
(a1) in the case of a Public Service employee (other than a member of staff or the Chief Executive) or former employee—the Secretary, or	17 18
<b>[19] Sections 20 (1), 38 and 38A (1)</b>	19
Omit “member of staff” wherever occurring. Insert instead “Public Service employee”.	20
<b>[20] Section 36A Review by Authority of certain decisions by Secretary under gaming and liquor legislation</b>	21 22
Insert after paragraph (a) (vii) of the definition of <i>reviewable decision</i> in section 36A (1):	23
(via) a decision under section 102A to restrict or prohibit activities that encourage misuse or abuse of liquor,	24 25
<b>[21] Section 36A (1), definition of “reviewable decision”</b>	26
Insert after paragraph (a) (ix):	27
(ixa) a decision under section 136E to impose a condition on a licence requiring a licensee to participate in a precinct or community event liquor accord,	28 29 30
<b>[22] Section 36C</b>	31
Insert after section 36B:	32
<b>36C Notice of certain decisions required to be published on relevant website</b>	33
(1) This section applies to any decision by the Authority or the Secretary under the gaming and liquor legislation that is prescribed by the regulations for the purposes of this section.	34 35 36
(2) As soon as practicable after a decision to which this section applies is made, notice of the decision is to be published:	37 38
(a) in the case of a decision by the Authority—on the website of the Authority, or	39 40

	(b) in the case of a decision by the Secretary—on the website of the Department.	1 2
	(3) The notice is to include:	3
	(a) a statement of the reasons for the decision, and	4
	(b) details of any penalty or sanction imposed, or any remedial action taken, in relation to the decision.	5 6
	(4) The statement of reasons is to include the following:	7
	(a) the findings on material questions of fact, referring to the evidence or other material on which those findings were based,	8 9
	(b) the decision-maker’s understanding of the applicable law,	10
	(c) the reasoning processes that led the decision-maker to the conclusions that were made.	11 12
<b>[23]</b>	<b>Section 37 Protection from personal liability</b>	13
	Insert “or other Public Service employee” after “staff” in section 37 (c).	14
<b>[24]</b>	<b>Section 39 Annual report</b>	15
	Omit “of Trade and Investment, Regional Infrastructure and Services”.	16
<b>[25]</b>	<b>Schedule 1 Provisions relating to the members and procedure of the Authority</b>	17
	Omit “Chapter 5 of the <i>Public Sector Employment and Management Act 2002</i> ” from clause 7 (1) (d).	18 19
	Insert instead “Part 6 of the <i>Government Sector Employment Act 2013</i> ”.	20
<b>[26]</b>	<b>Schedule 1, clause 11 (1)</b>	21
	Omit the subclause. Insert instead:	22
	(1) The office of an appointed member is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office.	23 24 25
<b>[27]</b>	<b>Schedule 2 Savings, transitional and other provisions</b>	26
	Omit clause 1 (1). Insert instead:	27
	(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.	28 29

<b>Schedule 3</b>	<b>Amendment of other legislation</b>	1
<b>3.1</b>	<b>Gaming and Liquor Administration Regulation 2008</b>	2
<b>[1]</b>	<b>Clause 5 Application for review by Authority of Secretary’s decisions</b>	3
	Omit “Director-General” wherever occurring. Insert instead “Secretary”.	4
<b>[2]</b>	<b>Clauses 6 and 7</b>	5
	Insert after clause 5:	6
	<b>6 Decisions by Authority or Secretary required to be published</b>	7
	For the purposes of section 36C of the Act, the following decisions are prescribed:	8
		9
	(a) a decision by the Authority under section 36A of the Act in relation to a reviewable decision within the meaning of that section,	10
		11
	(b) a decision by the Secretary under section 81 of the <i>Liquor Act 2007</i> ,	12
	(c) a decision by the Authority under section 82 or 84 of the <i>Liquor Act 2007</i> ,	13
		14
	(d) a decision by the Authority under section 141 of the <i>Liquor Act 2007</i> ,	15
	(e) a decision by the Secretary under section 144D (2) of the <i>Liquor Act 2007</i> ,	16
		17
	(f) a decision by the Authority under section 144D (3) of the <i>Liquor Act 2007</i> ,	18
		19
	(g) a decision by the Authority under section 144I of the <i>Liquor Act 2007</i> ,	20
	(h) a decision by the Authority under section 154 of the <i>Liquor Act 2007</i> ,	21
	(i) any decision by the Authority under the <i>Liquor Act 2007</i> relating to the granting of a licence, authorisation or approval to which a relevant application (within the meaning of section 48 (2) of that Act) relates, but only if the relevant application is required to be accompanied by a category B CIS under clause 10 of the <i>Liquor Regulation 2008</i> .	22
		23
		24
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		26
	<b>7 Penalty notices</b>	27
	For the purposes of section 46 of the Act, an offence under section 34 (1) or (4) of the Act is prescribed as an offence for which a penalty notice may be issued and the prescribed penalty for any such offence is \$1,100.	28
		29
		30
<b>[3]</b>	<b>Schedule 1 Persons and bodies to whom information may be divulged</b>	31
	Omit item 1. Insert instead:	32
	<b>1 New South Wales</b>	33
	Secretary of the Department of Trade and Investment, Regional Infrastructure and Services	34
		35
	Executive Director, Office of Liquor, Gaming and Racing, Department of Trade and Investment, Regional Infrastructure and Services	36
		37
	A local council or any other person or body exercising functions as a consent authority under the <i>Environmental Planning and Assessment Act 1979</i>	38
		39

<b>3.2 Liquor Regulation 2008</b>	1
<b>[1] The whole Regulation (except where otherwise amended by this Subschedule)</b>	2
Omit “Director-General” and “Director-General’s” wherever occurring.	3
Insert instead “Secretary” and “Secretary’s”, respectively.	4
<b>[2] Clause 3 Definitions</b>	5
Insert in alphabetical order:	6
<i>former community liquor licence</i> means a community liquor licence granted under the <i>Liquor Act 1982</i> that is taken to be a hotel licence by virtue of clause 12 of Schedule 1 to the new Act.	7
<i>multi-occasion extended trading authorisation</i> means an extended trading authorisation of the kind referred to in section 49 (5) (c) or 49A (3) (c) of the Act.	8
<i>ongoing extended trading authorisation</i> means an extended trading authorisation of the kind referred to in section 49 (5) (a) or 49A (3) (a) of the Act.	9
	10
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<b>[3] Clause 3, definition of “special occasion extended trading authorisation”</b>	16
Insert “or 49A (3) (b)” after “49 (5) (b)”.	17
<b>[4] Clause 5A Definitions</b>	18
Omit the definition of <i>former community liquor licence</i> .	19
<b>[5] Clause 5D Base fee element</b>	20
Insert at the end of clause 5D (1) (f) (iii):	21
or	22
(iv) where a combination of any of the matters referred to in subparagraphs (i)–(iii) applies—\$2,000,	23
	24
<b>[6] Clause 5F Trading hours risk loading element</b>	25
Insert after clause 5F (1) (b):	26
(c) if, on the relevant assessment date, a multi-occasion extended trading authorisation is in force in respect of the premises (whether or not liquor is being sold or supplied in accordance with the authorisation on that date)—\$1,000.	27
	28
	29
	30
<b>[7] Clause 5J Late payment fee</b>	31
Omit “section” from clause 5J (1). Insert instead “sections 58B (2) (b) and”.	32
<b>[8] Clause 10 Categories of CIS</b>	33
Insert after clause 10 (2) (e):	34
(e1) an application for a multi-occasion extended trading authorisation, or	35
<b>[9] Clause 10 (3) (e), (g) and (h)</b>	36
Insert “ongoing” before “extended” wherever occurring.	37



<b>[10] Clause 10 (4)</b>	1
Insert after clause 10 (3):	2
(4) A category A CIS is not required to accompany an application for a multi-occasion extended trading authorisation if:	3
(a) in the case of an application that relates to club premises—the club premises have unrestricted trading hours at the time the application is made, or	4
(b) in the case of an application that relates to club premises—within the period of 6 months before the application is made:	5
(i) the trading hours of the club premises were restricted to the standard trading period by a condition under section 54 of the Act, or	6
(ii) an ongoing extended trading authorisation in respect of the club premises was revoked on application by the club, or	7
(c) in the case of an application that relates to any other licensed premises—the trading hours of the premises at the time the application is made are equal to or more than the trading hours under the proposed extended trading authorisation.	8
<b>[11] Clause 12A</b>	9
Insert after clause 12:	10
<b>12A Reasons for decisions relating to certain applications requiring category A CIS</b>	11
(1) In this clause:	12
<i>interested party</i> , in relation to a relevant application, means:	13
(a) a person or body referred to in clause 11 (2) who is required to be consulted under that clause, and	14
(b) any person who has made a submission under clause 12.	15
<i>relevant application</i> means an application of the kind referred to in clause 10 (2) (e).	16
<b>Note.</b> In the case of applications that are required to be accompanied by a category B CIS, see the regulations made under section 36C of the <i>Gaming and Liquor Administration Act 2007</i> .	17
(2) If the Authority makes a decision in relation to a relevant application, the applicant or any interested party may request the Authority to provide a statement in writing of the reasons for the decision.	18
(3) The Authority may refuse to provide a statement of reasons to an interested party if:	19
(a) the request is made later than 28 days after the decision is made, or	20
(b) in the case of a person who has made a submission under clause 12—the Authority is of the opinion that the person’s submission was trivial or vexatious.	21
<b>[12] Clause 13 Referral of certain licence applications</b>	22
Omit “Director”. Insert instead “Secretary”.	23
<b>[13] Clause 19 On-premises licence—authorisations allowing liquor to be sold without another product or service</b>	24
Omit clause 19 (1) (b) and (d).	25

<b>[14] Clause 20 On-premises licence—authorisation to trade on premises other than licensed premises</b>	1 2
Omit “and quality” from clause 20 (3).	3
<b>[15] Clause 23 Notice relating to industry shows and producers’ markets or fairs</b>	4
Omit “a wine” wherever occurring. Insert instead “an industry”.	5
<b>[16] Clause 23 (2)</b>	6
Omit “the wine” wherever occurring. Insert instead “the industry”.	7
<b>[17] Clause 24 Requirements relating to producers’ markets or fairs</b>	8
Omit “farmers or primary producers” from clause 24 (a). Insert instead “stall holders”.	9
<b>[18] Clause 24 (c)</b>	10
Omit the paragraph.	11
<b>[19] Clause 39CA</b>	12
Insert after clause 39C:	13
<b>39CA Suspension or revocation of recognised RSA certification for contravention of RSA obligations</b>	14 15
(1) The Authority may, on application by the Secretary or the Commissioner of Police, make any of the following orders:	16 17
(a) an order suspending, for the period specified by the Authority, any recognised RSA certification held by a person,	18 19
(b) an order revoking any recognised RSA certification held by a person,	20
(c) an order declaring that a person is disqualified from holding any recognised RSA certification for such period (not exceeding 12 months) as is specified in the order.	21 22 23
(2) The Authority may make an order under this clause in respect of a person if the Authority is satisfied that the person has contravened any of the person’s obligations under the Act or this Regulation that, in the opinion of the Authority, relate to the responsible service of alcohol (including, without limitation, permitting intoxication on licensed premises).	24 25 26 27 28
(3) The Authority may not make an order under this clause in respect of a person unless the person has been given notice of the application for the order and has been given a reasonable opportunity to make submissions to the Authority in relation to the application.	29 30 31 32
(4) An order under this clause takes effect on the date specified by the Authority in the order. Notice of the making of the order is to be given to the person who is the subject of the order, but failure to give notice does not affect the operation of the order if a reasonable attempt has been made to notify the person.	33 34 35 36 37
(5) If the Authority makes an order under this clause in respect of a person, the person may apply to the Civil and Administrative Tribunal for an administrative review under the <i>Administrative Decisions Review Act 1997</i> of the Authority’s decision.	38 39 40 41
(6) Section 53 of the <i>Administrative Decisions Review Act 1997</i> does not apply in relation to the Authority’s decision to make an order under this clause.	42 43

(7)	A person must not work in any capacity as an employee on any licensed premises in New South Wales during any period in which:	1
	(a) the person's recognised RSA certification is suspended by the Authority under this clause, or	2
	(b) the person is disqualified under this clause from holding any recognised RSA certification.	3
	Maximum penalty: 50 penalty units.	4
(8)	If a person's recognised RSA certification is suspended or revoked under this clause, the person to whom it was issued must surrender the recognised competency card to the Secretary if required to do so by the Authority.	5
	Maximum penalty: 20 penalty units.	6
(9)	A person ( <i>the employer</i> ) does not commit an offence under clause 40 (2) or (2A), 40A (2), 42 (1) or (1A) or 42A (1) in relation to a person whose recognised RSA certification has been suspended or revoked by the Authority under this clause if:	7
	(a) the person presents the employer with recognised RSA certification that appears to be current, and	8
	(b) the employer is satisfied on reasonable grounds that the certification is current.	9
(10)	This clause does not limit the operation of clause 39AA.	10
<b>[20]</b>	<b>Clause 51 Drinking water to be available free of charge where liquor served</b>	11
	Omit "held by a licensed wine producer" from clause 51 (2).	12
<b>[21]</b>	<b>Clause 55 Existing off-licences for vigneron</b>	13
	Omit "a wine" from clause 55 (3) (b). Insert instead "an industry".	14
<b>[22]</b>	<b>Clause 70 Exemption from the Act relating to sale of liquor by auction—prescribed requirements</b>	15
	Omit "Director" from clause 70 (1) (d). Insert instead "Secretary".	16
<b>[23]</b>	<b>Clause 71A</b>	17
	Insert after clause 71:	18
<b>71A</b>	<b>Fee for endorsement by Authority of licence transfer under section 60A of Act</b>	19
	For the purposes of section 60A (3) (b) of the Act, the following fees are prescribed:	20
	(a) \$350 in the case of a hotel licence (other than a former community liquor licence) or a packaged liquor licence,	21
	(b) \$50 in the case of a former community liquor licence,	22
	(c) \$50 for a limited licence,	23
	(d) \$200 for any other type of licence.	24
<b>[24]</b>	<b>Clause 72 Local liquor accords</b>	25
	Omit "draft".	26

<b>[25] Clause 80A</b>					1
Insert after clause 80:					2
<b>80A Multi-occasion ETAs cannot be granted for metropolitan licensed premises</b>					3
For the purposes of section 49B (2) of the Act, the metropolitan area specified in clause 80 is prescribed.					4
					5
<b>[26] Schedule 1 Application fees</b>					6
Omit “Extended trading authorisation” from Part 2 wherever occurring.					7
Insert instead “Ongoing extended trading authorisation”.					8
<b>[27] Schedule 1, Part 2</b>					9
Insert at the end of the Part:					10
	Multi-occasion extended trading authorisation	\$500	\$500	\$1,000	
<b>[28] Schedule 1, Part 3</b>					11
Insert after the matter relating to applications under section 23 (5):					12
	Application under section 46A to suspend licence or to vary or revoke licence suspension	Nil	\$200	\$200	
<b>[29] Schedule 1, Part 4</b>					13
Omit the Part.					14
<b>[30] Schedule 2 Penalty notice offences</b>					15
Insert in appropriate order under the heading <b>Offences under the Act</b> :					16
	Section 102A (2)			\$550	
<b>[31] Schedule 2</b>					17
Insert in appropriate order under the heading <b>Offences under this Regulation</b> :					18
	Clause 39CA (7)			\$550	
	Clause 39CA (8)			\$220	
<b>3.3 Registered Clubs Act 1976 No 31</b>					19
<b>[1] Schedule 2 Savings, transitional and other provisions</b>					20
Omit clause 1A (1). Insert instead:					21
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.					22
					23

<b>[2] Schedule 2, clause 94 (1)</b>	1
Insert at the end of the subclause:	2
<b>Note.</b> The effect of subclause (1) is that the club is taken to be authorised to sell or supply liquor, for consumption on the licensed premises, at all times on a regular basis unless its trading hours are varied under the <i>Liquor Act 2007</i> .	3 4 5
<b>[3] Schedule 2, clause 94 (2A) and (2B)</b>	6
Insert after clause 94 (2):	7
(2A) If an extended trading authorisation of the kind referred to in section 49 (5) (c) of the <i>Liquor Act 2007</i> is granted in respect of the premises of an existing registered club, subclause (1) ceases to apply in relation to those premises during the period that the authorisation is in force.	8 9 10 11
(2B) If, in the case of an existing registered club referred to in subclause (2):	12
(a) a condition is imposed under section 54 of the <i>Liquor Act 2007</i> that restricts the on-premises trading hours of the club's premises to the standard trading period under that Act, and	13 14 15
(b) the condition is subsequently revoked under that Act,	16
the on-premises trading hours of the club's premises automatically revert to those that previously applied under subclause (1).	17 18