

[Act 1995 No 34]



New South Wales

Liquor Amendment Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*
The *Registered Clubs Amendment Bill 1995* is cognate with this Bill.

Overview of Bill

The object of this Bill is to amend the *Liquor Act 1982*:

- to change from noon to 10 am the earliest time at which liquor may be sold on Good Friday for consumption on hotel premises
- to require residents' objections or complaints against licensees to be supported by at least 3 residents
- to enable refusals, revocations and reductions of trading hour extensions to be re-examined within 6 months after the refusals, revocations and reductions are made if there is a change in circumstances
- to make certain changes to that Act for the sake of statute law revision, particularly as a result of the administrative changes under which the Chief Secretary's Department became the Department of Gaming and Racing.

* Amended in committee—see table at end of volume.

Outline of provisions

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

Clause 2 provides that the proposed Act will commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the *Liquor Act 1982*.

Schedule 1 Amendments

Trading hours

Schedule 1 (4) amends section 24 to change from noon to 10 am the earliest time at which liquor may be sold on Good Friday for consumption on hotel premises.

Schedule 1 (5)–(8) make parallel amendments to sections 25, 27, 32, and 35A to enable licensees for whom an extension of trading hours has been refused, revoked or reduced to apply to the Licensing Court for review at any time if they can show that there has been a material change in circumstances. At present they must wait 6 months before re-applying.

Schedule 1 (14) amends section 104 to make it clear that a licensee whose extension of trading hours has been affected by a condition imposed by the Liquor Administration Board can object to the Board. This can be done at any time if the licensee can show that there has been a material change in circumstances, and otherwise after 6 months.

Residents' objections

Schedule 1 (10) and (11) amend section 44 to require an objection to an application for an extension of trading hours, if made by residents, to be supported by at least 3 of them. At present, such an objection may be brought by one resident alone.

Schedule 1 (13) likewise amends section 104 to remove the option of a noise complaint in relation to licensed premises being brought by only one resident. The amendment also introduces a list of persons who may complain (residents, the Commissioner of Police, a council representative, a person whose interests are affected and the Director of Liquor and Gaming). At present, section 104 does not specify who may complain.

Schedule 1 (9), (12) and (13) make amendments to sections 44, 67 and 104 to make it clear that when an objection or complaint can be brought on behalf of 3 or more residents, one of those residents can be the complainant.

Statute law revision

Schedule 1 (1)–(3) and (15) amend references in the key officials provisions (sections 4, 105A and 105B) to the Chief Secretary's Department and the Secretary of that Department so that they become references to the Department of Gaming and Racing and the Director-General respectively. The amendment reflects changes already made in 1995 under the *Administrative Changes Act 1976*.

A continuing transitional provision inserted by Schedule 1 (16) ensures that section 105B (Restrictions relating to former key officials) applies equally to an official who would have been regarded as a former key official but for a change in the title of the relevant office.

Savings and transitional

Schedule 1 (17) and (18) make amendments of a savings and transitional nature as a consequence of the above amendments.