

Passed by both Houses



New South Wales

24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2023

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2023

Clerk of the Parliaments



New South Wales

24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2023

Act No _____, 2023

An Act to make miscellaneous amendments to legislation to increase the vibrancy of the night-time economy; and for related purposes.

See also the *24-Hour Economy Commissioner Act 2023*.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023*.

2 Commencement

This Act commences as follows—

- (a) the following provisions commence on a day or days to be appointed by proclamation—
 - (i) Schedule 2[8], [10], [18], [20], [23], [27] and [36]–[41],
 - (ii) Schedule 3[9]–[15], [17] and [21],
 - (iii) Schedule 4.1–4.3, 4.4[4] and 4.5,
- (b) otherwise—on the date of assent to this Act.

Schedule 1 Amendment of Gaming and Liquor Administration Act 2007 No 91

[1] Section 11 Arrangements for supply of Police records

Omit section 11(1). Insert instead—

- (1) The following persons (each a *relevant person*) may enter into an arrangement with the Commissioner of Police for the supply to the relevant person of information contained in the records of the NSW Police Force to assist in the effectual administration of gaming and liquor legislation—
 - (a) the Secretary,
 - (b) the Authority.

[2] Section 26 Powers to inspect and seize things

Insert after section 26(2)(b)—

- (b1) photograph, film or video a part of the premises or an article or thing on the premises,

[3] Section 30 Power of inspectors and police officers to require answers

Insert after section 30(3)—

- (4) An inspector or police officer may, by notice given to a person, require the person to attend at a specified place and time to answer questions under this section if attendance at the place is reasonably required for the questions to be properly asked and answered.
- (5) The inspector or police officer may, in the notice under subsection (4) or in a subsequent notice, authorise the person to answer the questions using an audio link or audio visual link of a kind approved by the inspector or police officer.
- (6) If the questions are to be answered by the person using an audio link or audio visual link—
 - (a) the place at which the person is required to attend is taken to be any place having adequate facilities for the answering of questions in that way at the time specified in the notice under subsection (4), and
 - (b) the person must ensure the audio link or audio visual link is operated appropriately so the answers given to the questions are clear to the inspector or police officer.

[4] Section 34A

Insert after section 34—

34A Directions to licensee and staff of licensed premises

- (1) The Secretary may give a gaming and liquor licensee, or an employee or agent of a gaming and liquor licensee, a written direction about any matter relating to the licensed premises.
- (2) Without limiting subsection (1), a direction may be given about—
 - (a) conduct on the licensed premises, or
 - (b) the supervision or control of the licensed premises.
- (3) The direction takes effect on the later of the following—
 - (a) when the direction is given to the licensee or employee or agent,

- (b) the date specified in the direction.
- (4) A licensee, employee or agent to whom a direction is given under this section must not, without reasonable excuse, fail to comply with the direction.
Maximum penalty—100 penalty units.
- (5) Without limiting subsection (1), a direction under this section may require a person to adopt, cease or vary, or refrain from, a practice on or in relation to licensed premises.
- (6) The Secretary may revoke or vary a direction given by the Secretary under this section.
- (7) A direction given to a licensee, or an employee or agent of a licensee, under this section must not be inconsistent with—
 - (a) gaming and liquor legislation, or
 - (b) the authorisation given by the licensee’s licence.
- (8) In this section—
employee or agent includes—
 - (a) an employee within the meaning of the *Liquor Act 2007*, and
 - (b) the secretary of a registered club, and
 - (c) a member of the governing body of a registered club.
licensed premises means premises to which a gaming or liquor licence relates.

[5] Section 36A Review by Authority of certain decisions

Omit “give a direction” from section 36A(1), definition of *reviewable decision*, paragraph (a)(iii).

Insert instead “issue an improvement notice”.

[6] Section 36A(1), definition of reviewable decision

Insert after section 36A(1), definition of *reviewable decision*, paragraph (c)—

- (c1) a decision under section 34A to give a gaming and liquor licensee, or an employee or agent of a gaming and liquor licensee, a written direction,

[7] Section 45

Omit the section. Insert instead—

45 Proceedings for offences

Proceedings for an offence under this Act or the regulations must be—

- (a) disposed of summarily before the Local Court, and
- (b) started not later than 12 months after the date on which the offence is alleged to have been committed.

Schedule 2 Amendment of Liquor Act 2007 No 90

[1] Section 4 Definitions

Omit section 4(1), definition of *employee*. Insert in alphabetical order—

complainant, for Part 5, Division 3—see section 79B(4).

disturbance complaint, for Part 5, Division 3 and Schedule 1, clause 71—see section 79B(1).

employee includes—

- (a) a person engaged by a licensee or the manager of licensed premises under a contract for services, and

Example— a person engaged by a licensee under a contract to provide catering at a registered club

- (b) a person employed by a person mentioned in paragraph (a).

gaming machine has the same meaning as in the *Gaming Machines Act 2001*.

incentivised event means—

- (a) an event prescribed by the regulations, or

- (b) a live music performance or other arts and cultural event designated by the Secretary, in accordance with the regulations, to be an incentivised event.

marine authority means—

- (a) the Minister administering the *Ports and Maritime Administration Act 1995*, or

- (b) Transport for NSW.

navigable waters—

- (a) means all waters that are, from time to time, capable of navigation and open to or used by the public for navigation, whether on payment of a fee or otherwise, but

- (b) does not include flood waters that have temporarily flowed over the established bank of a watercourse.

special entertainment precinct has the same meaning as in the *Local Government Act 1993*, section 202.

statement of risks and potential effects—see section 48(1).

[2] Section 4(1), definition of “liquor”, paragraph (b)

Omit the paragraph.

[3] Section 12 Standard trading period for certain licensed premises

Omit section 12(1). Insert instead—

- (1) For the purposes of this Act, the *standard trading period* means—

- (a) the period from 5am to midnight, or

- (b) if the regulations prescribe a shorter period—the shorter period.

[4] Section 12(1A)

Omit “noon”. Insert instead “10am”.

[5] Section 12(1B)

Omit the subsection. Insert instead—

- (1B) Despite subsection (1), the standard trading period for a Sunday for premises to which this subsection applies is—
- (a) from 10am to 10pm, or
 - (b) for a Sunday that falls on 24 or 31 December—from 10am to midnight.

[6] Section 12A

Omit the section. Insert instead—

12A Extended trading hours for particular dedicated live music and performance venues

- (1) This section applies to the following licensed premises (*prescribed venues*)—
- (a) prescribed live music venues,
 - (b) prescribed live performance venues,
 - (c) venues that are—
 - (i) located in a special entertainment precinct, or
 - (ii) participating in an incentivised event.
- (2) The trading period for prescribed venues referred to in subsection (1)(a) and (b) is extended by 2 hours after the time that would otherwise apply to the prescribed venue under—
- (a) section 12, or
 - (b) an extended trading authorisation that applies to the premises.
- (3) The extension under subsection (2) is subject to the following conditions—
- (a) the development consent for the prescribed venue permits the extended trading hours,
 - (b) a live music performance or other arts and cultural event that meets the following criteria is held on any night of the week on which the prescribed venue trades during the extended trading period—
 - (i) the performance or event is of a duration of 45 minutes or more,
 - (ii) the performance or event is held after 8pm.
- (4) The trading period for prescribed venues referred to in subsection (1)(c) is extended by 60 minutes after the time that would otherwise apply to the prescribed venue under the following, on all nights of the week—
- (a) section 12,
 - (b) an extended trading authorisation that applies to the premises.
- (5) The extension under subsection (4) is subject to the following conditions—
- (a) the development consent for the prescribed venue permits the extended trading hours,
 - (b) a live music performance or other arts and cultural event that meets the following criteria is held on the premises on at least 2 nights in any 7-day period—
 - (i) the performance or event is of a duration of 45 minutes or more,
 - (ii) the performance or event is held after 8pm,
 - (c) for an incentivised event—the live music performance or other arts and cultural event is held in conjunction with the incentivised event.
- (6) To avoid doubt, to the extent of an inconsistency between this section and a relevant condition that applies to the prescribed venue, this section prevails.

- (7) In this section—
relevant condition means a condition of a type referred to in section 116I(2)(c) or (d).

[7] Section 13

Omit the section. Insert instead—

13 Special events extended trading period for certain venues

- (1) In addition to the trading hours that apply under this Act to relevant licensed premises, the Minister may, by notice published in the Gazette, declare a period (an *extended trading period*) during which liquor may be sold or supplied on relevant licensed premises.
- (2) An extended trading period may be declared only in relation to a specified day—
- (a) on which a special event is to be held, or
 - (b) that immediately follows the day on which a special event is to be held.
- (3) A notice under this section may—
- (a) apply to a specified class of relevant licensed premises, or
 - (b) specify conditions that must be met for liquor to be sold or supplied on relevant licensed premises during the extended trading period.
- (4) Without limiting subsection (3), a class of relevant licensed premises may be specified by reference to relevant licensed premises located in a particular area, however described.
- (5) This section does not authorise—
- (a) the sale, supply or consumption of liquor on licensed premises contrary to a restriction or prohibition imposed by or under this Act in relation to the trading hours for the licensed premises, or
 - (b) the operation of gaming machines during an extended trading period.
- (6) In this section—
relevant licensed premises means the following—
- (a) licensed premises to which a club licence applies,
 - (b) a dedicated live music and performance venue,
 - (c) licensed premises to which a general bar licence applies,
 - (d) licensed premises to which a hotel licence applies,
 - (e) licensed premises to which a small bar licence applies.
- special event* means an event the Minister considers to be of regional, State or national significance.

[8] Section 20A Authorisation conferred by small bar licence

Insert at the end of section 20A(1)(b)—

- , or
- (c) in sealed containers for consumption away from the licensed premises in accordance with an authorisation under section 25A.

[9] Section 20B Trading hours for small bars

Insert after section 20B(3)—

- (4) Liquor may be sold for consumption away from the licensed premises in accordance with an authorisation referred to in section 20A(1)(b) or (c)—
 - (a) during the standard trading period for the licensed premises, or
 - (b) for a Sunday that is not 24 or 31 December—no later than 11pm.
- (5) Despite subsection (4), the sale of liquor for consumption away from the licensed premises is not authorised on a restricted trading day.

[10] Section 25A

Insert after section 25—

25A Authorisation for restaurants and small bars to sell liquor for consumption away from licensed premises

- (1) Despite section 25(1), the following licences authorise the licensee to sell liquor by retail in sealed containers on the licensed premises for consumption away from the licensed premises if the licence is, on application by the licensee, endorsed by the Authority with an authorisation under this section—
 - (a) an on-premises licence that relates to a restaurant,
 - (b) a small bar licence.
- (2) The Authority may grant an application for an authorisation under subsection (1) only if the Authority is satisfied—
 - (a) the licensee has in place a system of controls to ensure liquor is not sold to minors or intoxicated persons, and
 - (b) if the licensee is offering same day delivery within the meaning of Part 6, Division 1B—the licensee will comply with that division.
- (3) The Authority may, when granting the application for the authorisation, limit the trading hours during which a licensee may sell liquor for consumption away from the licensed premises.
- (4) The times when liquor may be sold for consumption away from the licensed premises are—
 - (a) during the standard trading period, or
 - (b) at other times authorised by an extended trading authorisation.
- (5) Despite subsection (4), liquor must not be sold for consumption away from the licensed premises—
 - (a) on a restricted trading day, or
 - (b) if the Authority limits the trading hours for a particular licence—by that licensee during the trading hours specified by the Authority.
- (6) The regulations may provide for the following—
 - (a) matters relating to applications for, and the granting of, authorisations under this section, including the fees payable in relation to the applications,
 - (b) restrictions on the type and quantity of liquor that may be sold under authorisations.

[11] Section 33 Producers—authorisation conferred by licence

Omit “or as a producer of beer or spirits” from section 33(1).

Insert instead “, as a producer of beer or spirits or as a primary producer”.

[12] Section 33(3)(d) and (e)

Omit section 33(3)(d). Insert instead—

- (d) for beer or spirits—it is uniquely the licensee’s own product, or the own product of a related corporation of the licensee, and—
 - (i) the product has been produced on the licensed premises, or
 - (ii) the licensee has a financial interest in the production, including if the product has been produced by or under the direction of the licensee or a related corporation of the licensee, and the licensee or related corporation has assumed the financial risk of the production, or
- (e) the liquor product is uniquely the licensee’s own product because—
 - (i) the licensee is a primary producer, and
 - (ii) the plants, fungi or other products, or part of the products, produced by the licensee are a characteristic ingredient of the liquor product.

Example— a truffle manufacturer who uses truffles grown by the manufacturer to blend with a spirit distilled by another person to create a unique truffle spirit that is the truffle manufacturer’s own product

[13] Section 33(5)

Omit the definition of *producers’ market or fair*. Insert in alphabetical order—

primary producer means a person who cultivates—

- (a) plants or fungi, or
- (b) the products or parts of plants or fungi.

producers’ market or fair means an event primarily held to promote and sell produce from—

- (a) the hospitality industry, or
- (b) a particular region.

[14] Section 35 Producers—miscellaneous provisions

Insert “—wine producers” after “premises” in section 35(2), heading.

[15] Section 35(2A)

Insert after section 35(2)—

(2A) Multiple premises—producers of cider, perry, mead, beer or spirits

Despite any other provision of this Act, the licensed premises to which a producer/wholesaler licence relates may, for a producer of cider, perry or mead or for a producer of beer or spirits, comprise more than one set of premises, but only if—

- (a) each set of premises is operated by the licensee, and
- (b) the premises are within—
 - (i) 10km of each other, if any of the premises are in a metropolitan area, or
 - (ii) 20km of each other, if any of the premises are in a non-metropolitan area.

[16] Section 35(6)

Insert after section 35(5)—

- (6) In this section—
metropolitan area means an area prescribed by the regulations to be a metropolitan area.
non-metropolitan area means any area that is not a metropolitan area.

[17] Section 39 Limited licence for special event

Omit section 39(4). Insert instead—

- (4) In this section—
special event means an event that—
(a) is of an infrequent or temporary nature, and
(b) in the Authority's opinion—
(i) is genuine, and
(ii) the holding of which is in the public interest, having regard to the objects of this Act.

[18] Section 40 Licence applications

Omit the note to section 40(4).

[19] Section 44 Submissions to Authority in relation to licence applications

Insert after section 44(2)—

- (3) If a contract or other agreement purports to extinguish the right of a person to make a submission under subsection (1), the contract or other agreement is, to the extent of the purported extinguishment, void.

[20] Section 48

Omit the section. Insert instead—

48 Risks and potential effects

- (1) To facilitate consideration by the Authority of the potential impact the granting of certain licences, authorisations or approvals will have on the local community, a relevant application must be accompanied by a statement (*statement of risks and potential effects*) that addresses the following—
(a) a description of the local community, including nearby points of interest and other licensed premises,
(b) advice about the applicant's proposed controls or mitigation strategies to address any risk of harm that would be caused by the relevant application being granted,
(c) the proposed positive impacts or benefits for the local community if the relevant application were granted,
(d) the results of any discussions between the applicant and the local community about any issues or concerns the local community may have about the relevant application,
(e) whether the granting of the relevant application would provide employment in, or other opportunities for, any of the following—
(i) the live music industry,
(ii) the arts sector,
(iii) the tourism sector,
(iv) the community or cultural sector.

- (2) The statement of risks and potential effects must be—
 - (a) in the form approved by the Authority, and
 - (b) prepared in accordance with—
 - (i) the regulations, and
 - (ii) any additional requirements of the Authority.
- (3) The Authority must not grant a relevant application unless the Authority is satisfied, having regard to the following, that the overall impact of the licence, authorisation or approval the subject of the relevant application will not be detrimental to the wellbeing of the local or broader community—
 - (a) the statement of risks and potential effects that accompanied the relevant application,
 - (b) any published cumulative impact assessment that applies to the area in which the premises the subject of the relevant application are located,
 - (c) any other matter the Authority is made aware of during the application process, including, for example, by way of reports or submissions.
- (4) In having regard to the statement of risks and potential effects under subsection (3)(a), the Authority must—
 - (a) consider whether the criteria referred to in section 49(3)(a)–(c) are met, and
 - (b) if the criteria are met—give due weight to the strong positive social impact associated with offering live music performances or arts and cultural events.
- (5) The regulations may provide for the following—
 - (a) the requirements that must be satisfied in relation to preparing statements of risks and potential effects,
 - (b) the matters to be addressed by statements of risks and potential effects,
 - (c) the information to be provided in statements of risks and potential effects,
 - (d) other matters relating to the preparation and content of statements of risks and potential effects.
- (6) Without limiting subsection (5), the regulations may provide that the matters to be addressed by a statement of risks and potential effects are, for an application for an extended trading authorisation for a hotel licence, to include matters relating to gambling activities on the licensed premises during the period the authorisation is proposed to be in force.
- (7) In this section—

relevant application means—

 - (a) an application of a kind prescribed by the regulations, or
 - (b) an application made in circumstances prescribed by the regulations.

[21] Section 49 Extended trading authorisation—general provisions

Omit “(other than midnight on a Sunday)” from section 49(2)(a).

[22] Section 49(2)(a)

Omit “(other than a Monday)”.

[23] Section 49(3)

Omit the subsection. Insert instead—

- (3) Without limiting subsection (2), the Authority may, for an extended trading authorisation for a hotel licence, grant the authorisation if—
 - (a) live music performances or other arts and cultural events are offered as part of the regular business of the licensed premises, and
 - (b) the licensee provides evidence that an average of at least 2 live music performances or other arts and cultural events that meet the following criteria are held at the licensed premises in each week—
 - (i) the performances or events are held after 8pm,
 - (ii) the performances or events are for a duration of 45 minutes or more, and
 - (c) gaming machines are not in operation on the licensed premises.

[24] Section 53 Authority may impose, vary or revoke licence conditions

Insert after section 53(6)—

- (7) If a contract or other agreement purports to extinguish the right of a person to make a submission to the Authority under subsection (5), the contract or other agreement is, to the extent of the purported extinguishment, void.

[25] Section 56 Incident registers

Insert after section 56(3)—

- (3A) If information is required to be recorded in an incident register under subsection (2) or (3) about an incident, the licensee must ensure the information is recorded as soon as practicable, but no later than 24 hours, after the incident occurs.

[26] Section 59A

Insert after section 59—

59A Removal of unrestricted club licences to other premises

- (1) This section applies in relation to an application under section 59 to remove an unrestricted club licence to premises other than premises specified in the licence if—
 - (a) the proposed premises are situated—
 - (i) on land zoned or otherwise designated for use for the same purpose as the land on which the existing licensed premises are situated, and
 - (ii) within a 1km radius of the existing licensed premises, or
 - (b) the proposed premises are situated—
 - (i) on urban use land, or land that adjoins urban use land, and
 - (ii) within a 5km radius of the existing licensed premises.
- (2) Despite any other provision of this Act, if the application is granted, the registered club to which the licence relates may continue to operate the club's premises under the licence as if the licence were an unrestricted club licence.
- (3) In this section—

existing licensed premises means the premises specified in the unrestricted club licence that is the subject of the application.

on-premises trading hours means the times during which liquor may be sold or supplied only for consumption on the existing licensed premises.

proposed premises means the premises to which the unrestricted club licence is proposed to be removed in the application.

unrestricted club licence means a club licence—

- (a) to which the *Registered Clubs Act 1976*, Schedule 2, clause 94(2) applies, and
- (b) under which the licensee continues, in accordance with the *Registered Clubs Act 1976*, Schedule 2, clause 94, to operate without restrictions in relation to the registered club's on-premises trading hours.

urban use land means land zoned or otherwise designated for use for urban purposes under an environmental planning instrument.

[27] Section 72A, definition of “social impact duty” and section 72C

Omit “section 48(5)” wherever occurring. Insert instead “section 48(3)”.

[28] Section 75, heading

Omit “Directions”.

Insert instead “**Secretary, police officers and marine authorities may issue improvement notices**”.

[29] Section 75(1)–(2B)

Omit section 75(1) and (2). Insert instead—

- (1) The Secretary, a police officer or a marine authority may give a relevant person for licensed premises a written notice (an **improvement notice**)—
 - (a) for the Secretary—
 - (i) if the Secretary reasonably believes there has been a contravention of this Act or the regulations on, or in relation to, the licensed premises, or
 - (ii) about any other matter relating to the licensed premises, including any conduct on the licensed premises, or
 - (b) for a police officer—if the police officer reasonably believes noise is being emitted from the licensed premises in contravention of—
 - (i) this Act or the regulations, or
 - (ii) any noise or noise-related condition applying to the licence for the licensed premises, or
 - (c) for a marine authority—if the marine authority reasonably believes noise is being emitted in navigable waters from licensed premises that are a vessel in contravention of—
 - (i) this Act or the regulations, or
 - (ii) any noise or noise-related condition applying to the licence for the licensed premises.
- (2) An improvement notice must not be issued in relation to a demerit offence under Part 9A.
- (2A) An improvement notice must be in the form approved by the Secretary and include—
 - (a) for an improvement notice issued by the Secretary—

- (i) if the notice relates to a contravention of this Act or the regulations—the provision of the Act or regulations that is being contravened, and
 - (ii) a direction about the action that must be taken by the relevant person to rectify the contravention, and
 - (iii) a direction about the date by which the rectification must occur, or
 - (b) for an improvement notice issued by a police officer—
 - (i) a direction that a person whom the police officer believes to be a person who caused the emission of the noise to cease the noise, or
 - (ii) a direction that a person whom the police officer believes to be making, or contributing to the making, of the noise to cease making or contributing to the noise, or
 - (c) for an improvement notice issued by a marine authority—
 - (i) a direction that a person whom the marine authority believes to be a person who caused the emission of the noise to cease the noise, or
 - (ii) a direction that a person whom the marine authority believes to be making, or contributing to the making, of the noise to cease making or contributing to the noise.
- (2B) An improvement notice takes effect on the later of the following—
- (a) when the notice is given to the relevant person,
 - (b) a date specified in the notice.

[30] Section 75(3)

Omit “A licensee, employee or agent”. Insert instead “A relevant person”.

[31] Section 75(3) and (5)

Omit “a direction” wherever occurring. Insert instead “an improvement notice”.

[32] Section 75(6)

Omit “A direction”. Insert instead “An improvement notice”.

[33] Section 75(4)

Omit “give”. Insert instead “issue an improvement notice giving”.

[34] Section 75(7) and (8)

Insert after section 75(6)—

- (7) A police officer or marine authority who issues an improvement notice under this section may make a complaint to the Secretary under section 79B about the emission of noise from the licensed premises the subject of the improvement notice.
- (8) In this section—

relevant person means the following—

 - (a) a licensee,
 - (b) an employee of a licensee,
 - (c) an agent of a licensee.

[35] Part 5, Division 3, heading

Omit the heading. Insert instead—

Division 3 Disturbance of quiet and good order of neighbourhood

[36] Sections 79–79B

Omit section 79. Insert instead—

79 Definitions

In this division—

complainant—see section 79B(4).

disturbance complaint—see section 79B(1).

79A Licensed premises must not disturb quiet and good order of neighbourhood

A licence does not authorise business to be conducted on licensed premises in a way that unduly disturbs, or unreasonably and seriously disturbs, the quiet and good order of the neighbourhood in which the licensed premises are located.

79B Making disturbance complaints

- (1) A person may make a complaint (a *disturbance complaint*) that the quiet and good order of the neighbourhood in which licensed premises are located are being unduly disturbed, or unreasonably and seriously disturbed, because of—
 - (a) the way in which the business of the licensed premises is conducted, or
 - (b) the behaviour of persons after the persons leave the licensed premises, including the occurrence of anti-social behaviour or alcohol-related violence.
- (2) A disturbance complaint may be made only to the Secretary.
- (3) A disturbance complaint must be—
 - (a) in writing, and
 - (b) made or verified by statutory declaration.
- (4) A disturbance complaint may be made only by 1 of the following persons (the *complainant*)—
 - (a) a person who lives or works in the neighbourhood of the licensed premises and is authorised in writing by 4 or more other persons who live or work in the neighbourhood and who are not part of the same household or part of the complainant's household,
 - (b) a person who satisfies the Secretary that, because of the nature or gravity of the person's complaint, the person should be entitled to make the complaint,
 - (c) the Commissioner of Police,
 - (d) another person the Secretary considers, in the public interest, should be able to make a disturbance complaint.
- (5) If a contract or other agreement purports to extinguish the right of a person to make a complaint under this section, the contract or other agreement is, to the extent of the purported extinguishment, void.

[37] Section 80 Dealing with complaints

Omit “complaint under section 79” from section 80(1).

Insert instead “a disturbance complaint”.

[38] Section 80(1A)

Insert after section 80(1)—

- (1A) For subsection (1)(a), the Secretary may deal with a disturbance complaint only if the person making the complaint demonstrates the person has tried to address the complaint directly with—
- (a) the licensee for the licensed premises the subject of the complaint, or
 - (b) an employee or agent of the licensee.

[39] Section 80A

Insert after section 80—

80A Grounds on which Secretary may uphold disturbance complaint

- (1) The Secretary may uphold a disturbance complaint only if—
- (a) for a disturbance complaint for licensed premises in a special entertainment precinct—the Secretary is satisfied, after having regard to the plan under the *Local Government Act 1993*, section 202(5)(a) that regulates noise from amplified music in the special entertainment precinct, the licensed premises have caused a disturbance that is unreasonable, or
 - (b) otherwise—
 - (i) when the order of occupancy is in favour of the licensed premises—the Secretary is satisfied the quiet and good order of the neighbourhood in which the licensed premises are located have been unreasonably and seriously disturbed by the licensed premises, or
 - (ii) when the order of occupancy is not in favour of the licensed premises—the Secretary is satisfied the quiet and good order of the neighbourhood in which the licensed premises are located has been unduly disturbed.
- (2) For subsection (1), the order of occupancy is in favour of the licensed premises if—
- (a) the licensed premises have been operating as licensed premises longer than the complainant has resided or worked at the complainant’s address or place of business, and
 - (b) there has been no substantial change to the operations carried on at the licensed premises since the complainant began residing or working at the complainant’s address or place of business.
- (3) If the complainant is a person referred to in section 79B(4)(b)–(d), the Secretary—
- (a) must consider the order of occupancy between the licensed premises and residents or workers in the neighbourhood of the licensed premises who are associated with the complaint, and
 - (b) may apply the order of occupancy as if a resident or worker referred to in paragraph (a) were the complainant.

- (4) For subsection (2)(a), the complainant is taken to have lived at the same address, even if the complainant has moved, if the complainant's new address is within 500m of—
 - (a) the address from which the complainant moved, or
 - (b) the licensed premises.
- (5) For subsection (2)(b), a change to the operations carried on at the licensed premises that was reasonably foreseeable at the time the complainant began residing or working at the complainant's address or place of business, because of the licence in force for the premises and the business or activity to which the licence relates, is not a substantial change to the operations carried on at the licensed premises.
- (6) Also, for subsection (2), the operations or activities of licensed premises have not substantially changed if the only change is that live music is provided—
 - (a) inside the licensed premises between midday and 10pm, or
 - (b) outside the licensed premises between midday and 6pm.
- (7) For this section, the quiet and good order of the neighbourhood may be unreasonably and seriously disturbed only if the alleged disturbance was not reasonably foreseeable by the complainant when the complainant began occupying the complainant's premises.
- (8) For this section, the quiet and good order of the neighbourhood has not been unreasonably and seriously disturbed if the complainant could take reasonable steps to mitigate the impact of the disturbance on the complainant but does not take the steps.

[40] Section 81 Decision by Secretary in relation to complaint

Insert after section 81(2)—

- (2A) Without limiting subsection (2)(a), a condition relating to noise abatement may, despite the *Local Government Act 1993*, section 202, include matters relating to amplified music following a disturbance complaint.

[41] Section 81(3)

Omit section 81(3) and (4). Insert instead—

- (3) The Secretary must publish, on a NSW Government website, guidelines that set out the matters to which the Secretary may have regard in making a decision under this section about a complaint.

[42] Section 94A Boundaries of licensed premises—applications for temporary boundary changes for outdoor spaces

Omit section 94A(5).

[43] Section 102 Secretary may restrict or prohibit undesirable promotion of liquor

Insert “or other person” after “licensee” wherever occurring in section 102(1) and (3).

[44] Section 102(5)

Insert after section 102(4)—

- (5) For this section, *liquor* includes a beverage, substance or other thing that is not referred to in section 4(1), definition of *liquor*, paragraph (a) or (c) but, for the purposes of sale, is held out to be beer, spirits or wine.

[45] Section 108, heading

Omit “extension of credit”. Insert instead “providing money or extending credit”.

[46] Section 108(1)

Omit the subsection. Insert instead—

- (1) A responsible person for licensed premises must not do either of the following for the purpose of enabling another person to gamble on the licensed premises—
 - (a) provide money, as part of a transaction involving a credit card or debit card, to the other person,
 - (b) extend another form of credit to the other person.Maximum penalty—100 penalty units.

[47] Section 108A

Insert after section 108—

108A Requirement to record credit transactions and extensions

- (1) This section applies if a responsible person for licensed premises—
 - (a) provides money as part of a transaction involving a credit card or debit card, or
 - (b) extends another form of credit to another person on the licensed premises.
- (2) The responsible person must make a record, in the form and way approved by the Secretary, of the transaction or other credit extension.
Maximum penalty for subsection (2)—100 penalty units.

[48] Section 109 Misrepresentation or misdescription of credit transactions

Omit “any cash advance extended” from section 109(1).

Insert instead “money provided”.

[49] Section 109(1)

Omit “the cash advance”. Insert instead “the money”.

[50] Sections 116D and 116E

Omit the sections.

[51] Section 123 Minor not to enter or remain in certain licensed premises

Insert at the end of section 123(1)(c)(ii)—

- , or
- (d) enter or remain in the following areas of licensed premises unless the minor is in the company of a responsible adult—
 - (i) an area related to a packaged liquor licence,
 - (ii) an area dedicated to the sale of liquor by retail in sealed containers on the licensed premises for consumption away from the licensed premises.

[52] Section 123(5B) and (5C)

Insert after section 123(5A)—

- (5B) Subsection (1)(d) does not apply to an area of licensed premises in which liquor is sold for takeaway or home delivery under a packaged liquor licence that does not authorise the licensee to make walk-up sales.
- (5C) A minor does not commit an offence under subsection (1)(d) if the minor—
- (a) enters or remains in the area of the licensed premises in the minor’s capacity as an employee, and
 - (b) is not involved in the sale or supply of liquor.
- (5D) Also, a minor does not commit an offence under subsection (1)(d) if the minor leaves the licensed premises within a reasonable period after being informed by a responsible person that the minor must not be within the area.
- (5E) It is a defence to a prosecution for an offence under subsection (1)(d) if it is proved that at the time of the alleged offence the minor did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.
- Example—** A minor is unaccompanied in a bottle shop but is unaware unaccompanied minor must not be within the area.

[53] Section 124 Licensee not to allow minors to enter or remain in certain licensed premises

Insert at the end of section 124(1)(c)—

or

- (d) enters or remains in the following areas of licensed premises and is not in the company of a responsible adult—
 - (i) an area related to a packaged liquor licence,
 - (ii) an area dedicated to the sale of liquor by retail in sealed containers on the licensed premises for consumption away from the licensed premises,

[54] Section 124(2)(d)

Insert at the end of section 124(2)(c)—

or

- (d) is in the following areas of licensed premises and is not in the company of a responsible adult—
 - (i) an area related to a packaged liquor licence,
 - (ii) an area dedicated to the sale of liquor by retail in sealed containers on the licensed premises for consumption away from the licensed premises,

[55] Section 124(6A)

Insert after section 124(6)—

- (6A) It is a defence to a prosecution for an offence under subsection (2)(d) if it is proved that, at the time of the alleged offence, the licensee had taken all reasonable precautions to avoid commission of the alleged offence.

[56] Section 125 Responsible adult not to leave minor unaccompanied on licensed premises

Omit “or licensed public entertainment venue” from section 125(1).

Insert instead “, licensed public entertainment venue or packaged liquor premises”.

[57] Section 125(1)

Insert “, or part of the licensed premises,” after “licensed premises”.

[58] Section 125(3)

Insert after section 125(2)—

- (3) In this section—
- packaged liquor premises*** means an area of licensed premises—
- (a) related to a packaged liquor licence, or
 - (b) dedicated to the sale of liquor by retail in sealed containers on the licensed premises for consumption away from the licensed premises.

[59] Section 139 Grounds for making complaint

Insert after section 139(3)(c)—

- (c1) that the licensee has failed to comply with an enforceable undertaking under section 144ZJ,

[60] Part 9B

Insert after Part 9A—

Part 9B Enforceable undertakings

144ZJ Secretary may accept enforceable undertakings

- (1) The Secretary may require a licensee to give an undertaking (an ***enforceable undertaking***) to do, or refrain from doing, something if—
 - (a) the licensee has contravened this Act, or
 - (b) the Secretary reasonably believes the licensee has contravened this Act.
- (2) The Secretary may also invite a licensee to give an enforceable undertaking to prevent a risk of potential harm even if the licensee has not contravened, or allegedly contravened, this Act.
- (3) An enforceable undertaking is an alternative to taking disciplinary action and disciplinary action may not be taken in relation to the contravention or alleged contravention of this Act while an enforceable undertaking is in force.
- (4) An enforceable undertaking may provide for the following—
 - (a) a matter that prevents a contravention of this Act,
 - (b) a matter relating to the mitigation or remediation of a contravention of this Act,
 - (c) a matter relating to the prevention of risks of harm from liquor,
 - (d) another matter the Secretary and the licensee consider relevant.
- (5) An enforceable undertaking may be—
 - (a) accepted by the Secretary by written notice given by the Secretary to the licensee, and
 - (b) varied or withdrawn by the Secretary, by written notice given to the licensee—
 - (i) on the Secretary’s own initiative, or
 - (ii) at the request of the licensee.

- (6) The Secretary may publish an enforceable undertaking on a NSW Government website, unless the Secretary considers—
 - (a) the undertaking includes matters that are commercial in confidence, or
 - (b) the publication of the undertaking would not be in the public interest, or
 - (c) the undertaking includes personal information—
 - (i) that cannot be easily redacted, or
 - (ii) the redaction of which would make the publication meaningless.
- (7) If the Secretary is satisfied a licensee has, without reasonable excuse, failed to comply with an enforceable undertaking, the Secretary may certify the failure to the Supreme Court.
- (8) The Supreme Court may inquire into the case and—
 - (a) order the licensee to comply with the enforceable undertaking within a period specified by the Court, or
 - (b) if the Court is satisfied the licensee failed, without reasonable excuse, to comply with the enforceable undertaking—punish the licensee as if the licensee were in contempt of the Court and, if the Court thinks fit, also make an order under paragraph (a).

[61] Section 159 Regulations

Omit section 159(2)(f1).

[62] Sections 163 and 163A

Omit the sections.

[63] Part 12, heading

Omit the heading. Insert instead—

Part 12 Outdoor dining and performances

[64] Section 164 Purpose

Omit section 164(1). Insert instead—

- (1) The purpose of this part is to allow local councils to encourage the use of outdoor space for outdoor dining and performances.

[65] Section 164(3)

Omit “during the period of the COVID-19 pandemic”.

[66] Section 165 Definitions

Omit the definition of *prescribed period*.

[67] Section 166, heading

Omit the heading. Insert instead—

166 Local councils may allow use of outdoor space for outdoor dining and performances

[68] Section 166(1)

Omit the subsection. Insert instead—

- (1) A local council may decide, by notice published on the local council's website—
 - (a) to allow the use of a footway or public open space associated with the following to be used as an outdoor dining area, an extension of foyer space or a performance space—
 - (i) licensed premises or other lawful food and drink premises,
 - (ii) entertainment, arts or cultural venues, or
 - (b) to allow parking spaces within the local council's area to be used as an outdoor dining area, an extension of foyer space or a performance space, or
 - (c) to temporarily close a road for which the local council is the roads authority for use as an outdoor dining area, an extension of foyer space or a performance space, or
 - (d) to temporarily close a road and with the concurrence of the department in which the *Roads Act 1993* is administered, for use as an outdoor dining area, an extension of foyer space or a performance space, or
 - (e) to vary a development consent or a development consent condition to allow outdoor performances.
- (1A) If a local council allows the use of footways, public open space, roads or other premises for a purpose mentioned in subsection (1), the use is taken to be exempt development for the purposes of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

[69] Section 167 Repeal of Part

Omit the section.

[70] Schedule 1 Savings and transitional provisions

Omit "a complaint made under section 79" from clause 71(2)(a).

Insert instead "a disturbance complaint".

[71] Schedule 1

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on enactment of 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023

Application of fee payable under section 25A to particular applications

A fee payable in relation to an application for an authorisation under section 25A, as inserted by the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023*, does not apply to an application made under that section within 6 months after the commencement of section 25A.

Application of section 59A to particular applications to remove unrestricted club licences to other premises

- (1) This clause applies in relation to an application under section 59 to remove an unrestricted club licence to premises other than the premises specified in the licence—
 - (a) made, but not determined, before the commencement of section 59A, or

- (b) made and granted before the commencement of section 59A.
- (2) Section 59A applies in relation to the application as if the application had been made after the commencement of that section.
- (3) To avoid doubt, it is declared that any variation to the on-premises trading hours of a registered club as a result of the granting of an application mentioned in subclause (1)(b) is of no effect.
- (4) In this clause—
 - on-premises trading hours***, of a registered club, means the times during which liquor may be sold or supplied only for consumption on the club's licensed premises.
 - unrestricted club licence*** means a club licence—
 - (a) that was, at the time the application was made, a club licence to which the *Registered Clubs Act 1976*, Schedule 2, clause 94(2) applied, and
 - (b) under which, at the time the application was made, the registered club to which the licence related was continuing to operate without restrictions in relation to the club's on-premises trading hours in accordance with the *Registered Clubs Act 1976*, Schedule 2, clause 94.

Schedule 3 Amendment of Liquor Regulation 2018

[1] Clause 3 Definitions

Omit clause (3)(1), definitions of *Great Southern Nights music event* and *incentivised event*.

[2] Clause 8 Definitions

Omit the definition of *location risk loading element*.

[3] Clause 9 Periodic licence fees

Omit clause 9(1)(d).

[4] Clause 10 Base fee element

Omit clause 10(2)(c). Insert instead—

- (c) by 80% for the following venues—
 - (i) live music venues,
 - (ii) live performance venues,
 - (iii) venues mentioned in clause 61B(1)(d), or

[5] Clause 10(3) and (4)

Omit the subclauses.

[6] Clause 12 Trading hours risk loading element

Omit clause 12(3A)(c). Insert instead—

- (c) by 80% for the following venues—
 - (i) live music venues,
 - (ii) live performance venues,
 - (iii) venues mentioned in clause 61B(1)(d), or

[7] Clause 12(7) and (8)

Omit the subclauses.

[8] Clause 13 Location risk loading element

Omit the clause.

[9] Clause 20 Definitions

Omit clause 20(1), definition of *neighbouring premises*. Insert in alphabetical order—
full notification application means the following—

- (a) an application for a hotel licence,
- (b) an application for a club licence,
- (c) an application for a small bar licence, other than an application for a relevant small bar licence that is not required to be accompanied by a statement of risks and potential effects under clause 28A,
- (d) an application for a packaged liquor licence, other than a licence that is limited to the sale or supply of liquor through an internet site or by other electronic means,
- (e) an application for an on-premises licence that relates to a public entertainment venue, other than a cinema or a theatre,

- (f) an application for an ongoing extended trading authorisation in relation to a licence referred to in paragraphs (a)–(d),
- (g) an application under the Act, section 59 for approval to remove a licence referred to in paragraphs (a)–(d) to other premises,
- (h) an application for an ongoing extended trading authorisation in relation to an on-premises licence if the authorisation operates to authorise the sale of liquor at any time between midnight and 5am,
- (i) an application for an ongoing extended trading authorisation in relation to a producer/wholesaler licence if the authorisation operates to authorise the sale of liquor by retail, otherwise than to the residents of the licensed premises and their guests, at any time between midnight and 5am,
- (j) an application that is required by the Authority under the Act, section 48(7), definition of *relevant application* to be accompanied by a statement of risks and potential effects.

limited notification application means the following—

- (a) an application for a packaged liquor licence that is limited to the sale of liquor only by means of taking orders—
 - (i) over the telephone or by facsimile or mail order, or
 - (ii) through an internet site or by other electronic means,
- (b) an application under the Act, section 59 for approval to remove a licence referred to in paragraph (a) to other premises,
- (c) an application for a multi-occasion extended trading authorisation,
- (d) an application for an authorisation under the Act, section 24(3),
- (e) an application that is required by the Authority under the Act, section 48(7), definition of *relevant application* to be accompanied by a statement of risks and potential effects.

neighbouring premises, in relation to an application, means—

- (a) for an application for which a statement of risks and potential effects is required to be submitted—a building situated on land within 100m of the proposed or current licensed premises to which the application applies, or
- (b) otherwise—a building situated on land within 50m of the proposed or current licensed premises to which the application applies.

[10] Clauses 21–22A

Omit clauses 21 and 22. Insert instead—

21 Notification requirements for limited and full notification applications— the Act, s 48(5)

- (1) For the Act, section 48(5)(a), the applicant must notify the following non-government stakeholders of the making of a limited or full notification application—
 - (a) for a limited notification application—the occupier of neighbouring premises,
 - (b) for a full notification application—
 - (i) the occupier of neighbouring premises, and
 - (ii) the recognised leaders or representatives of the local Aboriginal community organisations, if any, in the local government area in

- which the proposed licensed premises will be located, including Aboriginal Medical Service Cooperative Limited, and
- (iii) for an application for an extended trading authorisation in relation to a hotel licence—any organisation located in the local government area in which the hotel is situated that receives funding from the Responsible Gambling Fund under the *Casino Control Act 1992* for the specific purpose of providing gambling-related counselling or treatment services, and
 - (iv) the stakeholders determined by the Authority.
- (2) For the Act, section 48(5)(a), the Secretary must notify the following government stakeholders, if relevant, of the making of a limited or full notification application—
- (a) for a limited notification application—
 - (i) the local consent authority, and
 - (ii) the local police, and
 - (iii) if the proposed licensed premises are, or will be, situated within 500m of the boundary of another local government area—the local consent authority for that other area, and
 - (iv) if the premises to which the application relates are, or will be, situated on Crown land within the meaning of the *Crown Land Management Act 2016*—the Minister administering that Act,
 - (b) for a full notification application—
 - (i) the local consent authority, and
 - (ii) the local police, and
 - (iii) the Centre for Alcohol and Other Drugs of the Ministry of Health, and
 - (iv) the local health district for the area in which the proposed licensed premises are situated, and
 - (v) the Department of Communities and Justice, and
 - (vi) Transport for NSW, and
 - (vii) if the proposed licensed premises are, or will be, situated within 500m of the boundary of another local government area—the local consent authority for that other area, and
 - (viii) if the premises to which the application relates are, or will be, situated on Crown land within the meaning of the *Crown Land Management Act 2016*—the Minister administering that Act.
- (3) The notice must—
- (a) be given no later than 2 working days after the application is made, and
 - (b) include a link to the NSW Government website where the application documents are located and public submissions may be made, and
 - (c) be in the form, and given in the way, approved by the Authority.
- (4) An applicant for a packaged liquor licence that is limited to the sale of liquor by the following means is not required to notify the occupier of neighbouring premises—
- (a) by taking orders over the telephone,
 - (b) by facsimile or mail order,
 - (c) through an internet site,

- (d) by other electronic means.

22 Applications taken to be limited applications for notification purposes

- (1) This clause applies to an application that is not—
- (a) a full notification application, or
 - (b) a limited notification application.
- (2) The application is taken, for this division and Division 3, to be a limited notification application.

Note— Division 2, which relates to requirements in relation to statements of risks and potential effects, is not relevant to applications referred to in this section.

22A Authorisations

Despite clause 21 or 22, the requirement to notify the occupier of neighbouring premises of an application does not apply in relation to an application for—

- (a) a producer/wholesaler licence, unless the application is made in conjunction with an application for a special drink on-premises authorisation, or
- (b) a pop-up licence, or
- (c) a limited licence, or
- (d) an authorisation, unless the authorisation is—
 - (i) an extended trading authorisation that is not a special occasion extended trading authorisation, or
 - (ii) a special drink on-premises authorisation, or
 - (iii) an authorisation under the Act, section 24(3).

[11] Part 3, Division 2

Omit the division. Insert instead—

Division 2 Statements of risks and other potential effects

27 Relevant applications for statements of risks and potential effects—the Act, s 48(7)

For the Act, section 48(7), definition of *relevant application*, the following are relevant applications—

- (a) limited notification applications, except for the limited notification applications referred to in clause 22,
- (b) full notification applications.

28 Statements of risks and other potential effects to address matters relating to gambling activities in hotels during extended trading periods—the Act, s 48(6)

For an application for an extended trading authorisation for a hotel licence, the matters to be addressed by a statement of risks and potential effects are to include matters relating to gambling activities on the licensed premises during the period the authorisation is proposed to be in force.

28A Statements of risks and other potential effects not required for certain applications—the Act, s 48(7)(b)

- (1) A relevant small bar licence application is not required to be accompanied by a statement of risks and potential effects if—

- (a) development consent is required under the *Environmental Planning and Assessment Act 1979* to use the premises to which the application relates as a small bar or to sell liquor during the times to which the application relates, and
 - (b) the local police and the Secretary are, no more than 2 working days after the application for the required development consent, or any variation to that application, is made, notified by the applicant of the making of the application for development consent or of the variation to that application.
- (2) An excluded application is not required to be accompanied by a statement of risks and potential effects.
- (3) In this clause—
- excluded application** means the following—
- (a) an application, other than an application under the Act, Schedule 1, clause 39, where—
 - (i) the application relates to the same premises as the premises to which a general bar licence relates, and
 - (ii) development consent has been obtained under the *Environmental Planning and Assessment Act 1979* to sell liquor during the times to which the application relates and those times are specified in the development consent,
 - (b) an application for a multi-occasion extended trading authorisation under the Act, section 49B where—
 - (i) the extended trading authorisation of the kind referred to in section 49(5)(a) is in force in relation to the licensed premises, or
 - (ii) the application is made in relation to club premises that have unrestricted trading hours in accordance with the *Registered Clubs Act 1976*, Schedule 2, clause 94,
 - (c) an application relating to club premises where, within the period of 6 months before the application is made—
 - (i) the trading hours of the club premises have been reduced by a condition under the Act, section 54, or a request has been made by the club for a condition to be imposed under that section that would result in reduced trading hours, or
 - (ii) an ongoing extended trading authorisation in relation to the club premises has, on application by the club, been revoked or varied so as to reduce the trading hours to no later than 1:30am, or an application has been made to reduce the trading hours to no later than 1:30am,
 - (d) an application relating to any other licensed premises where 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.

relevant small bar licence application means the following—

- (a) an application for a small bar licence,
- (b) an application for approval to remove a small bar licence to other premises,
- (c) an application for an extended trading authorisation for a small bar, other than if the authorisation would result in trading on a regular basis at any time between 2am and 5am,

- (d) an application to vary an extended trading authorisation for a small bar, other than if the variation would result in trading on a regular basis at any time between 2am and 5am.

29 Preparation of statements of risks and potential effects—the Act, s 48(2)

For the Act, section 48(2)(b)(i), in preparing a statement of risks and potential effects, the applicant may, if the applicant considers it appropriate, consult with local consent authorities, community organisations and members of the public.

[12] Clause 30 Submissions in relation to applications

Omit “a community impact statement under section 48 of the Act” from clause 30(3).

Insert instead “a statement of risks and potential effects under the Act, section 48”.

[13] Clause 31 Reasons for decisions relating to certain applications requiring category A CIS

Omit the clause.

[14] Clause 35A Issue of interim small bar authorisation to applicants for small bar licence

Omit “a community impact statement under section 48 of the Act” from clause 35A(1)(b).

Insert instead “a statement of risks and potential effects under the Act, section 48”.

[15] Clause 36 Issue of interim restaurant authorisation to applicants for restaurant licence

Omit “a community impact statement under section 48 of the Act” wherever occurring in clause 36(1)(b) and (4)(b).

Insert instead “statement of risks and potential effects under the Act, section 48”.

[16] Clause 46 Authorisation to trade on premises other than licensed premises

Insert in alphabetical order in clause 46(1)—

commercial catering business means a business that provides catering services—

- (a) for functions, occasions or events that are by invitation only, or
- (b) for fee, gain or reward.

[17] Clause 46A

Insert after clause 46—

46A Authorisation to sell liquor for consumption away from licensed premises—the Act, s 25A(6)

- (1) An authorisation may be given under the Act, section 25A only if—
 - (a) the liquor is purchased together with a genuine meal that is being taken away or delivered for consumption away from the licensed premises, and
 - (b) each customer’s order is limited to the type and quantity of liquor specified in subclause (2).
- (2) For the Act, section 25A(6)(b), authorised licensed premises must limit each customer’s order to—

- (a) for a licensed restaurant—
 - (i) 1 sealed bottle of wine where the volume of the packaged liquor is not more than 750mL, or
 - (ii) not more than 6 sealed containers of beer, cider or ready-to-drink alcoholic beverages where the volume of the packaged liquor is not more than 2,250mL, or
 - (iii) not more than 4 sealed containers of house-made cocktails where the volume of the packaged liquor is not more than 1,000mL, or
- (b) for a small bar—
 - (i) 1 sealed bottle of wine where the volume of the packaged liquor is not more than 750mL, or
 - (ii) not more than 6 sealed containers of beer, cider or ready-to-drink alcoholic beverages where the volume of the packaged liquor is not more than 2,250mL.
- (3) In this clause—
 - house-made cocktail* means an alcoholic beverage mixed on the licensed premises.
 - ready-to-drink alcoholic beverage* means an alcoholic beverage that is not mixed on the licensed premises.

[18] Clause 59 Requirements relating to producers' markets or fairs

Omit the clause.

[19] Clause 61B List of live music and performance venues

Insert after clause 61B(1)(c)—

- (d) a venue located in a special entertainment precinct—
 - (i) that holds live music performances or other arts and cultural events, or
 - (ii) in relation to which the Secretary has been notified of an intention to hold live music performances or other arts and cultural events at that venue.

[20] Clause 61B(4)(a)

Omit “subclause (1)(a)–(c)”. Insert instead “subclause (1)(a)–(d)”.

[21] Clause 74A

Omit the clause. Insert instead—

74A Renewal of RSA or licensee endorsement after expiry for certain persons—the Act, s 159(2)

- (1) For the Act, section 159(2)(e), a person may renew an expired RSA endorsement or an expired licensee endorsement if—
 - (a) the person has held a licensee endorsement at any time within the previous 3 years, and
 - (b) the person completes a licensee training course.
- (2) Subclause (1) applies despite clause 74(1).

[22] Clause 76 Suspension or revocation of recognised competency card endorsements

Omit “make any of the following orders” from clause 76(1).

Insert instead “make one or more of the following orders the Authority considers appropriate in the circumstances”.

[23] Clause 76(1)(a)

Omit the paragraph. Insert instead—

- (a) an order suspending—
 - (i) a recognised competency card and all its endorsements for a period not exceeding the unexpired term of the competency card or all its endorsements, or
 - (ii) a particular recognised competency card endorsement for a period not exceeding the unexpired term of the competency card or competency card endorsement,

[24] Clause 76(1)(c)

Omit “for such period (not exceeding 12 months) as is specified in the order”.

Insert instead “permanently or for the period specified in the order”.

[25] Clause 76(2)(b)

Omit clause 76(2)(b). Insert instead—

- (b) been charged with, or found guilty of, a serious indictable offence—
 - (i) involving violence that was committed on licensed premises or in the immediate vicinity of licensed premises, and
 - (ii) that, in the opinion of the Authority, creates, or has the potential to create, a significant risk of harm to another person associated with the person’s employment on licensed premises, or

[26] Clause 76(2)(c)

Omit the paragraph.

[27] Clause 76(4A)

Insert after clause 76(4)—

- (4A) Despite subclause (2), if the Authority has provided notice to the person who is the subject of an application for an order under clause 76(4), the Authority may suspend a recognised competency card, or a particular recognised competency card endorsement, pending a determination by the Authority of whether to make an order under clause 76(1).

[28] Clause 76(11)

Omit “, 65(2) or 106(2) or (3)”. Insert instead “or 65(2)”.

[29] Part 7, Divisions 3 and 4

Omit the divisions.

[30] Clause 123

Insert before clause 123A—

123 Designation of incentivised events—the Act, s 4(1)

For the Act, section 4(1), definition of *incentivised event*, paragraph (b), the Secretary may designate a live music performance or other arts or cultural

event to be an incentivised event by publishing notice of the designation on a NSW Government website before the event occurs.

[31] Clause 128

Omit the clause. Insert instead—

128 Metropolitan area—the Act, ss 35(6) and 66(6) definitions of “metropolitan area”

Each of the following is prescribed to be a metropolitan area—

- (a) the Greater Sydney Region,
- (b) the local government areas of Central Coast, Lake Macquarie, Newcastle and Wollongong.

[32] Clause 130B Exemption for certain temporary boundary changes—the Act, s 159(4)

Omit clause 130B(1)(c). Insert instead—

- (c) the proposed change to the boundary of the licensed premises under this clause continues indefinitely if the land use is exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Part 2, Division 1, Subdivision 20B or 20C.

[33] Schedule 6 Penalty notice offences

Omit the matter relating to section 116E(3) from the table.

[34] Schedule 6, table

Omit the matter relating to clause 106(1) and clause 106(2) or (3).

Schedule 4 Amendment of other legislation

4.1 Environmental Planning and Assessment Act 1979 No 203

Schedule 8 Special provisions

Insert after Part 1—

Part 2 Special provisions relating to licensed premises

2 Conditions that cease to have effect

- (1) The regulations may prescribe that a condition of a development consent relating to a relevant matter ceases to have effect if the matter is regulated by—
 - (a) the *Liquor Act 2007*, or
 - (b) an instrument made under the *Liquor Act 2007*, while the instrument is in force.
- (2) Subclause (1) may apply to—
 - (a) specific conditions, or
 - (b) a class of conditions.
- (3) In this clause—

licensed premises has the same meaning as in the *Liquor Act 2007*.
relevant matter means—

 - (a) noise emitted from licensed premises, or
 - (b) the trading hours of licensed premises.

4.2 Environmental Planning and Assessment Regulation 2021

Section 97A

Insert after section 97—

97A Conditions relating to noise at licensed premises

A condition of a development consent that regulates noise generated from licensed premises ceases to have effect to the extent the condition relates to noise arising from the matters set out in the *Liquor Act 2007*, section 79B(1)(a) or (b).

4.3 Gaming and Liquor Administration Regulation 2016

Clause 8 Certain decisions required to be published

Omit “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 (as referred to in regulations made under that Act)” from clause 8(i).

Insert instead “the full notification application, within the meaning of the regulations made under that Act, relates”.

4.4 Local Government Act 1993 No 30

[1] Section 202 Special entertainment precinct

Omit “30” from section 202(2)(c). Insert instead “60”.

[2] Section 202(2)(c)

Omit “12A”. Insert instead “12A(4)”.

[3] Section 202(3)

Omit the subsection. Insert instead—

- (3) A special entertainment precinct may be established by—
- (a) the council for the area in which the precinct will be located, by identifying the precinct in a local environmental plan that applies to the land on which the precinct will be located, or
 - (b) the Minister in a State Environmental Planning Policy, but only at the request of the council for the area in which the precinct will be located.

[4] Section 202(5A) and (5B)

Insert after section 202(5)—

- (5A) A plan prepared under subsection (5)(a) must provide—
- (a) for the trading hours for premises in the special entertainment precinct, and
 - (b) that the process for managing complaints in relation to licensed premises in the special entertainment precinct is the process set out in the *Liquor Act 2007*, Part 5, Division 3.
- (5B) A condition of a development consent that is inconsistent with the following matters in a plan prepared under subsection (5)(a) ceases to have effect to the extent of the inconsistency—
- (a) the trading hours for premises in a special entertainment precinct,
 - (b) the regulation of noise from amplified music from premises in the special entertainment precinct.

4.5 Protection of the Environment Operations (General) Regulation 2022

Section 91A

Insert after section 91—

91A Exemption from prohibitions on noise pollution—liquor licensed premises

- (1) The relevant provisions do not apply to an activity carried out on liquor licensed premises if the activity is carried out in accordance with the following—
- (a) the liquor licence for the liquor licensed premises, including any conditions applying to the liquor licence,
 - (b) the *Liquor Act 2007*,
 - (c) for an activity carried out in a special entertainment precinct—the local council’s plan, under the *Local Government Act 1993*, section 202(5)(a), for regulating noise from amplified music from premises, whether or not liquor licensed premises, in the special entertainment precinct.
- (2) Subsection (1) does not apply to an activity for which the EPA is the appropriate regulatory authority under—
- (a) the Act, section 6, or
 - (b) section 11 or 12 of this regulation.

(3) In this section—

liquor licence means a licence under the *Liquor Act 2007*.

liquor licensed premises means premises to which a liquor licence applies.

relevant provisions means the following provisions of the Act—

- (a) Part 4.3, to the extent it relates to noise,
- (b) section 139,
- (c) Part 8.6.

special entertainment precinct has the same meaning as in the *Local Government Act 1993*, section 202.