



New South Wales

Liquor Amendment (Right to Play Music) Bill 2020

Explanatory note

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

Overview of Bill

The objects of this Bill are—

- (a) to amend the *Liquor Act 2007* to prevent licence conditions restricting or prohibiting music, and
- (b) to provide that when designating premises as a high risk venue, the Secretary must not take into account the presence of a dance floor or area ordinarily used by patrons for dancing, and
- (c) to require the Independent Liquor and Gaming Authority constituted under the *Gaming and Liquor Administration Act 2007* to consider the availability of employment opportunities for musicians in exercising its functions, and
- (d) to amend the *Environmental Planning and Assessment Act 1979* to enable a council to publish a notice to modify conditions by declaring that conditions of development consents that restrict or prohibit music at licensed premises do not apply.

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 the date of assent to the proposed Act.

Schedule 1 Amendment of Liquor Act 2007 No 90

Schedule 1[1] provides that a condition of a licence relating to music has no effect if the condition is a restriction or a prohibition relating to music being played, genres of music that may be played, the number of musicians that may play, the type of instrument that may be played, the type of music that may be played, the amplification of an instrument, the direction of a stage, the decorations that may be used at a venue or the use of a dance floor.

Schedule 1[2] provides that when designating licensed premises as high risk, the Secretary must not take into account the presence of a dance floor or an area ordinarily used by patrons for dancing.

Schedule 1[3] requires the Independent Liquor and Gaming Authority constituted under the *Gaming and Liquor Administration Act 2007* to consider the availability of employment opportunities for musicians in exercising its functions under the *Liquor Act 2007*, the *Gaming and Liquor Administration Act 2007* or the *Registered Clubs Act 1976*.

Schedule 2 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 2 provides that a consent authority that is a council may modify the conditions of a development consent relating to the performance of music on licensed premises by publishing a notice on the council's website. The council may declare that the conditions do not apply to a local government area, a specified use of land in the local government area, or a suburb in the local government area. The notice is taken to have effect on the day the notice is published, or on a later date specified by the notice.



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New South Wales

Liquor Amendment (Right to Play Music) Bill 2020

No. , 2020

A Bill for

An Act to amend the *Liquor Act 2007* and the *Environmental Planning and Assessment Act 1979* to prevent licence conditions and conditions of a development consent restricting or prohibiting music at licensed premises; and for related purposes.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Liquor Amendment (Right to Play Music) Act 2020*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Liquor Act 2007 No 90	1
[1] Section 11B		2
	Insert after section 11A—	3
11B	Effect of licence conditions relating to music	4
	A condition of a kind referred to in section 11(1)(a) relating to music is taken to have no effect if the condition—	5 6
	(a) prohibits the performance of music of any kind, or	7
	(b) restricts the genre of music that may be played, or	8
	(c) prohibits or restricts the number of musicians that may play music, or	9
	(d) restricts the playing of a musical instrument or family of musical instruments, or	10 11
	(e) prohibits or restricts the playing of original music, or	12
	(f) prohibits the amplification of a musical instrument used in performing music, or	13 14
	(g) prohibits a stage for musicians from facing a particular direction or restricts the direction the stage may face, or	15 16
	(h) prohibits or restricts the decorations, including mirror balls, or lighting used by musicians at venues, or	17 18
	(i) prohibits a venue from having a dance floor.	19
[2] Section 116B Interpretation		20
	Insert after section 116B(4)—	21
	(4A) However, the Secretary, when designating premises as a high risk venue, must not take into account the presence of a dance floor or area ordinarily used by patrons for dancing.	22 23 24
[3] Section 155		25
	Insert after section 154—	26
155	Authority to have regard to certain matters	27
	In exercising its functions under this Act, the <i>Gaming and Liquor Administration Act 2007</i> or the <i>Registered Clubs Act 1976</i> , the Authority is to consider the availability of employment opportunities for musicians.	28 29 30

Schedule 2	Amendment of Environmental Planning and Assessment Act 1979 No 203	1
		2
Section 4.55	Modification of consents—generally	3
	Insert after subsection (1A)—	4
(1B)	Modifications involving the playing and performance of music	5
	If the consent authority is a council, all conditions of a development consent relating to the performance of music on licensed premises may, by notice published on the council’s website, be modified to declare the conditions do not apply to—	6
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	(a) the local government area, or	10
	(b) a specified use of land in the local government area, or	11
	(c) a suburb in the local government area.	12
(1C)	A notice under subsection (1B) is taken to have effect the day the notice is published, or a later date specified by the notice.	13
		14
(1D)	Subsections (1), (1A) and (2) do not apply to a modification under (1B).	15