

NEW SOUTH WALES
DRAFT GOVERNMENT BILL

**Liquor Amendment (24-hour Economy) Bill
2020**

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NEW SOUTH WALES
DRAFT GOVERNMENT BILL

Liquor Amendment (24-hour Economy) Bill
2020

No , 2020

A Bill for

An Act to amend the *Liquor Act 2007* and *Liquor Regulation 2018* to establish an integrated demerit points system and incentives scheme; to provide for cumulative impact assessments; to regulate same day deliveries of liquor; and to make miscellaneous amendments to the Act and regulation.

public consultation draft

Liquor Amendment (24-hour Economy) Bill 2020 [NSW]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Liquor Amendment (24-hour Economy) Act 2020*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendments of Liquor Act 2007 and regulation for an integrated demerit points system and incentives scheme

1.1 Liquor Act 2007 No 90

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

category 1 demerit offence means an offence against—

- (a) any of the following provisions of this Act—
 - (i) section 9 (sale or supply of liquor contrary to licence), but only where the offence relates to the sale or supply of liquor on or in relation to licensed premises outside of the trading hours of the premises,
 - (ii) section 11(2) (breach of licence conditions), but only in respect of a condition imposed under—
 - (A) Division 4 of Part 6, or
 - (B) Subdivision 2 or 3 of Division 4 of Part 9A,that restricts the trading hours of licensed premises or prohibits patrons from entering licensed premises at certain times,
 - (iii) section 73(1)(a) or (b) (permitting intoxication or indecent, violent or quarrelsome conduct),
 - (iv) section 73(2) (selling or supplying liquor to an intoxicated person),
 - (v) section 74(1)(b) or (2) (permitting the sale, possession or use of a prohibited plant or drug),
 - (vi) section 75(3) (failure to comply with a direction given by the Secretary),
 - (vii) section 82(6) (failure to comply with a short-term closure order),
 - (viii) section 84(7) (failure to comply with a long-term closure order),
 - (ix) section 102A(2) (failure to comply with a notice issued by the Secretary),
 - (x) section 114J (supplying liquor to an intoxicated person),
 - (xi) section 114M (making a same day delivery past the cut-off time),
 - (xii) section 149 (licensees and managers liable for act of employees etc) in respect of a contravention of section 73(2) or 75(3), or
- (b) any other provision of this Act or the regulations that is prescribed by the regulations for the purposes of this definition.

category 2 demerit offence means an offence against—

- (a) any of the following provisions of this Act—
 - (i) section 117(1), (2) or (8) (selling or supplying liquor to a minor or allowing such sale or supply),
 - (ii) section 149 (licensees and managers liable for act of employees etc) in respect of a contravention of section 117(1) or (2), or
- (b) any other provision of this Act or the regulations that is prescribed by the regulations for the purposes of this definition.

demerit offence means a category 1 demerit offence or a category 2 demerit offence.

public consultation draft

Liquor Amendment (24-hour Economy) Bill 2020 [NSW]
Schedule 1 Amendments of Liquor Act 2007 and regulation for an integrated demerit points system and incentives scheme

demerit point, in relation to a licensee, manager of licensed premises or club licence, means a demerit point—

- (a) incurred against a licensee or manager of licensed premises under section 144H, or
- (b) incurred against a club licence under section 144I, or
- (c) imposed against a licensee or manager of licensed premises, or a club licence, under section 144N(1)(b).

[2] Section 11 Licence conditions—general provisions

Omit section 11(1A).

[3] Section 46A Voluntary suspension of licence

Omit “, 61(5A), 130C or 130D” from the note to section 46A(3). Insert instead “or 61(5A)”.

[4] Section 60A Alternative process for transfer of licence

Omit “a prescribed offence within the meaning of section 144B” from subsection (2)(b).
Insert instead “a demerit offence”.

[5] Section 60A(6)

Omit “prescribed offence”. Insert instead “demerit offence”.

[6] Part 7, Division 4 Additional sanctions for selling liquor to minors on licensed premises

Omit the Division.

[7] Section 139 Grounds for making complaint

Insert after section 139(3)(h)—

- (ha) that 2 or more acts involving serious violence against persons have been committed—
 - (i) on the licensed premises, or
 - (ii) near the licensed premises by persons who have been on the licensed premises within a reasonable time before the act occurred, or
 - (iii) near the licensed premises by persons attempting to enter, or who have been refused entry to, the licensed premises within a reasonable time before the act occurred,
- (hb) that 2 or more incidents posing a serious risk to the health or safety of persons have occurred—
 - (i) on the licensed premises, or
 - (ii) near the licensed premises involving persons who have been on the licensed premises within a reasonable time before the incident occurred, or
 - (iii) near the licensed premises involving persons attempting to enter, or who have been refused entry to, the licensed premises within a reasonable time before the incident occurred,

[8] Section 139(5) and (6)

Insert after section 139(4)—

- (5) For the purposes of subsection (3)(ha), acts involving serious violence against persons that are committed on or near licensed premises within a single 24-hour period are taken to be a single act.
- (6) For the purposes of subsection (3)(hb), incidents posing a serious risk to the health or safety of persons that have occurred on or near the licensed premises within a single 24-hour period are taken to be a single incident.

[9] Part 9A

Omit the Part. Insert instead—

Part 9A Demerit points scheme

Division 1 Preliminary

144A Part 9 not affected

This Part does not limit the operation of Part 9.

144B Definitions

- (1) In this Part—
 - demerit points register*—see section 144D.
 - prescribed complaint*, for Subdivision 2 of Division 3—see section 144K.
 - remedial action* means any action the Authority is authorised to take under Division 4.
 - reviewable decision* means any of the following decisions—
 - (a) a decision by the Authority to take remedial action in relation to a person or licence,
 - (b) a decision by the Authority to refuse to remove a demerit point under section 144ZD(1)(b).
 - submission period*, in relation to a notice, means the period of 21 days after the day on which the notice is given.
- (2) A reference in this Part to the licensee or manager of licensed premises includes a reference to a former licensee or manager of licensed premises.

144C Committing demerit offence

- (1) For the purposes of this Part, a person commits a demerit offence if the act or circumstance giving rise to the offence occurred or existed on or after the commencement of this Part and—
 - (a) a court convicts the person for the offence, whether or not it imposes any penalty, or
 - (b) an amount is paid under a penalty notice in relation to the offence, or
 - (c) a penalty notice enforcement order under the *Fines Act 1996* is made against the person in respect of the offence.
- (2) However, any demerit point under this Part that is based on the conviction, penalty notice or enforcement order is revoked and any remedial action taken as the result of the demerit point ceases to have effect if—
 - (a) the conviction is overturned on appeal, or
 - (b) the person elects, after an amount is paid under the penalty notice, to have the offence dealt with by a court, or

- (c) the penalty notice, or the penalty notice enforcement order to the extent that it applies to the penalty notice, is withdrawn or annulled.
- (3) Demerit offences that are committed in relation to a particular licence or licensed premises within a single 24-hour period are taken, for the purposes of this Part, to be a single demerit offence.

Division 2 Demerit points register

144D Demerit points register

- (1) The Secretary must maintain a register of demerit points (the *demerit points register*) in accordance with this Part and the regulations.
- (2) The Secretary must record in the demerit points register the following details for each licensee or manager of licensed premises, or each club licence, in relation to whom 1 or more demerit points are in force—
 - (a) the details of the licensee, manager or club licence,
 - (b) for demerit points incurred or imposed against a licensee or manager of licensed premises—the details of the licence for the licensed premises,
 - (c) the total number of demerit points in force for the licensee, manager or club licence from time to time,
 - (d) the day on which each demerit point was incurred or imposed,
 - (e) the day on which each demerit point expires (unless earlier removed),
 - (f) any other details prescribed by the regulations for the purpose of this section.

144E Secretary to record demerit points incurred or imposed

- (1) If demerit points are incurred or imposed against a licensee, manager or licence under section 144H, 144I or 144N(1)(b), the Secretary must record the number of demerit points incurred in respect of the licensee, manager or licence in the demerit points register.
- (2) Demerit points incurred against a licensee, manager or licence as a result of the commission of a demerit offence must be recorded in the demerit points register in respect of the day on which the demerit offence was committed.
- (3) Demerit points imposed against a licensee, manager or licence under section 144N(1)(b) must be recorded in the demerit points register in respect of the day on which the demerit points were imposed by the Authority.
- (4) To avoid doubt, the Secretary must not record demerit points incurred against a licensee, manager or licence in respect of a demerit offence if the court makes an order under section 10 of the *Crimes (Sentencing Procedure) Act 1999* in respect of the offence.
- (5) Without limiting any other provision of this Division, the Secretary may correct any mistake, error or omission in the demerit points register, subject to any requirements of the regulations.

144F Secretary may publish details from demerit points register

The Secretary may publish any of the information contained in the demerit points register on a public website maintained by the Department of Customer Service.

144G When demerit points come into force or expire

- (1) A demerit point incurred or imposed against a licensee, manager or licence comes into force—
 - (a) for a demerit point incurred under section 144H or 144I—on the day on which the demerit offence in relation to which the demerit point is incurred was committed, or
 - (b) for a demerit point imposed under section 144N(1)(b)—on the day the demerit point is imposed by the Authority.
- (2) A demerit point expires on the earlier of the following days—
 - (a) the day that is 3 years after the day on which the demerit point comes into force,
 - (b) if the demerit point is removed under section 144ZD(1)(a)—the day the demerit point is removed.
- (3) The expiration or removal of a demerit point does not affect the continued operation of any remedial action taken as a result of the demerit point being incurred or imposed.

Division 3 Incurring and imposition of demerit points

Subdivision 1 Demerit points incurred for demerit offences

144H Demerit points incurred for demerit offences—licensed premises other than club premises

If the licensee or manager of a licensed premises other than a club premises commits a demerit offence, the following number of demerit points are incurred against the licensee or manager—

- (a) if the demerit offence is a category 2 demerit offence—2 demerit points,
- (b) otherwise—1 demerit point.

144I Demerit points incurred for demerit offences—club premises

If the manager of a club premises commits a demerit offence, the following number of demerit points are incurred against the licence for the club premises—

- (a) if the demerit offence is a category 2 demerit offence—2 demerit points,
- (b) otherwise—1 demerit point.

144J Notice of demerit points incurred

- (1) If a demerit point is incurred against a licensee, manager of licensed premises or licence under section 144H or 144I, the Secretary must give written notice about the demerit point to—
 - (a) for a demerit point incurred against a licensee—the licensee,
 - (b) for a demerit point incurred against a manager—
 - (i) the manager, and
 - (ii) the licensee for the licensed premises,
 - (c) for a demerit point incurred against a club licence—the secretary of the registered club to which the licence relates.
- (2) The notice must specify the following information—

- (a) the details of the licensee or manager against whom, or the licence against which, the demerit point is incurred,
- (b) the details of the demerit offence in relation to which the demerit point was incurred,
- (c) the date on which the demerit point came into force,
- (d) the date on which the demerit point will expire, if not removed earlier,
- (e) the total number of demerit points in force for the licensee, manager or licence after the incurring of the demerit point,
- (f) if, because of the total number of demerit points in force in relation to the licensee, manager or licence, the Authority may take remedial action—the remedial action that the Authority may take,
- (g) any other matter prescribed by the regulations for the purposes of this section.

Subdivision 2 Demerit points imposed for prescribed complaints

144K Definition

In this Subdivision—

prescribed complaint means a complaint in relation to a licensee or manager of licensed premises made to the Authority by the Secretary or Commissioner of Police under Part 9—

- (a) on a ground stated in section 139(3)(f), (g), (h), (ha) or (hb), and
- (b) relating to conduct or activities engaged in, circumstances existing, acts committed, or incidents occurring on or after the commencement of this Part.

144L Authority may impose demerit points in relation to prescribed complaints

- (1) After dealing with and determining a prescribed complaint under Part 9, the Authority may, in addition to taking any disciplinary action under that Part, decide to impose 1 or 2 demerit points against—
 - (a) if the complaint relates to a licensee—the licensee, or
 - (b) if the complaint relates to the manager of licensed premises other than club premises—the manager, or
 - (c) if the complaint relates to the licensee or manager of club premises—the licence for the club premises.
- (2) In deciding whether to impose demerit points against the licensee, manager or licence, the Authority must consider the following—
 - (a) the nature and seriousness of the grounds for the prescribed complaint,
 - (b) the nature and seriousness of any outcome of the acts or circumstances forming the grounds for the prescribed complaint,
 - (c) the size and patron capacity of the licensed premises and any impact those factors have on the ability of the licensee or manager to prevent or manage the acts or circumstances forming the grounds for the prescribed complaint,
 - (d) any disciplinary action taken under Part 9 by the Authority in relation to the prescribed complaint.

144M Authority to give notice of proposed demerit points

- (1) If the Authority proposes to impose a demerit point under section 144L(1), the Secretary must give written notice about the proposed demerit point to—
 - (a) if the Authority proposes to impose a demerit point against a licensee—the licensee,
 - (b) if the Authority proposes to impose a demerit point against a manager—
 - (i) the manager, and
 - (ii) the licensee for the licensed premises,
 - (c) if the Authority proposes to impose a demerit point against a club licence—
 - (a) the manager of the club premises to which the club licence relates, and
 - (b) the secretary of the registered club to which the club licence relates.
- (2) The notice must specify the following information—
 - (a) the number of demerit points proposed to be imposed against the licensee, manager or club licence,
 - (b) that any person given notice under this section may, within the submission period for the notice, make written submissions to the Authority about why the proposed demerit points should not be imposed.

144N Decision about imposition of demerit points

- (1) After considering any submissions made by a licensee, manager or secretary of a registered club, the Authority must decide to either—
 - (a) take no further action under this Subdivision, or
 - (b) impose 1 or 2 demerit points against the licensee, manager or club licence.
- (2) If the Authority decides to impose demerit points under subsection (1)(b), the Authority must not impose more than the number of demerit points stated in the notice given under section 144L.

144O Authority to give notice of decision

- (1) The Authority must give written notice of the Authority's decision to each person to whom the Authority gave notice under section 144M(1).
- (2) If the Authority decides to impose demerit points against the licensee, manager or club licence, the notice must state the following details—
 - (a) the details of the licensee, manager or club licence,
 - (b) the number of demerit points imposed against the licensee, manager or club licence,
 - (c) the date on which the demerit points come into force,
 - (d) the date on which the demerit points will expire, if not removed earlier,
 - (e) the total number of demerit points in force for the licensee, manager or club licence after the imposition of the demerit points,
 - (f) if, because of the total number of demerit points in force in relation to the licensee, manager or club licence, the Authority may take remedial action—the remedial action that the Authority may take,

- (g) any other matter prescribed by the regulations for the purposes of this section.

Division 4 Remedial action for accumulation of demerit points

Subdivision 1 Remedial action for accumulation of demerit points—licensees or managers of licensed premises

144P Remedial action—accumulation of 2–3 demerit points

- (1) This section applies if, during any 3-year period, at least 2, but not more than 3, demerit points are in force for a licensee or manager of licensed premises.
- (2) If the Authority is satisfied that it is appropriate in the circumstances, the Authority may reprimand the licensee or manager.

144Q Remedial action—accumulation of 4–5 demerit points

- (1) This section applies if, during any 3-year period, at least 4, but not more than 5, demerit points are in force for a licensee or manager of licensed premises.
- (2) If the Authority is satisfied that it is appropriate in the circumstances, the Authority may do any of the following—
 - (a) reprimand the licensee or manager,
 - (b) disqualify the licensee or manager for a specified period.

144R Remedial action—accumulation of 6 or more demerit points

- (1) This section applies if, during any 3-year period, 6 or more demerit points are in force for a licensee or manager of licensed premises.
- (2) If the Authority is satisfied that it is appropriate in the circumstances, the Authority may do any of the following—
 - (a) reprimand the licensee or manager,
 - (b) disqualify the licensee or manager for a specified period,
 - (c) permanently disqualify the licensee or manager.

Subdivision 2 Remedial action for accumulation of demerit points—licences other than club licences

144S Remedial action—accumulation of 2–3 demerit points

- (1) This section applies if, during any 3-year period, at least 2, but not more than 3, demerit points are in force for a licensee or manager, or former licensee or manager, of a licensed premises.
- (2) If the Authority is satisfied that it is appropriate in the circumstances, the Authority may impose any condition on the licence the Authority considers necessary to address—
 - (a) the risk of a demerit offence being committed, or
 - (b) the likelihood of another prescribed complaint being made in relation to the licensee or manager.

144T Remedial action—accumulation of 4–5 demerit points

- (1) This section applies if, during any 3-year period, at least 4, but not more than 5, demerit points are in force for a licensee or manager, or former licensee or manager, of a licensed premises.

- (2) If the Authority is satisfied that it is appropriate in the circumstances, the Authority may do any of the following—
 - (a) suspend the licence for the licensed premises for a period of up to 7 days,
 - (b) impose any condition on the licence for the licensed premises the Authority considers necessary to address—
 - (i) the risk of a demerit offence being committed, or
 - (ii) the likelihood of another prescribed complaint being made in relation to the licensee or manager.

144U Remedial action—accumulation of 6 or more demerit points

- (1) This section applies if, during any 3-year period, 6 or more demerit points are in force for a licensee or manager, or former licensee or manager, of a licensed premises.
- (2) If the Authority is satisfied that it is appropriate in the circumstances, the Authority may do any of the following—
 - (a) suspend the licence for a period of up to 14 days,
 - (b) impose any condition on the licence the Authority considers necessary to address—
 - (i) the risk of a demerit offence being committed, or
 - (ii) the likelihood of another prescribed complaint being made in relation to the licensee or manager.

Subdivision 3 Remedial action for accumulation of demerit points—club licences

144V Remedial action—accumulation of 2–3 demerit points

- (1) This section applies if, during any 3-year period, at least 2, but not more than 3, demerit points are in force for a club licence.
- (2) If the Authority is satisfied that it is appropriate in the circumstances, the Authority may do any of the following—
 - (a) reprimand the manager of the club premises,
 - (b) reprimand the secretary of the club to which the club licence relates,
 - (c) impose any condition on the club licence the Authority considers necessary to address—
 - (i) the risk of a demerit offence being committed, or
 - (ii) the likelihood of another prescribed complaint being made in relation to the licensee or manager of the club premises.

144W Remedial action—accumulation of 4–5 demerit points

- (1) This section applies if, during any 3-year period, at least 4, but not more than 5, demerit points are in force for a club licence.
- (2) If the Authority is satisfied that it is appropriate in the circumstances, the Authority may do any of the following—
 - (a) reprimand, or disqualify for a specified period, the manager of the club premises,
 - (b) reprimand, or disqualify for a specified period, the secretary of the club to which the club licence relates,

- (c) impose any condition on the club licence the Authority considers necessary to address—
 - (i) the risk of a demerit offence being committed, or
 - (ii) the likelihood of another prescribed complaint being made in relation to the licensee or manager of the club premises.

144X Remedial action—accumulation of 6 or more demerit points

- (1) This section applies if, during any 3-year period, 6 or more demerit points are in force for a club licence.
- (2) If the Authority is satisfied that it is appropriate in the circumstances, the Authority may do any of the following—
 - (a) reprimand, or disqualify either permanently or for a specified period, the manager of the club premises,
 - (b) either or both of the following—
 - (i) reprimand, or disqualify either permanently or for a specified period, the secretary of the club to which the club licence relates,
 - (ii) reprimand, or disqualify for a specified period, another member of the club's governing body,
 - (d) impose any condition on the club licence the Authority considers necessary to address—
 - (i) the risk of a demerit offence being committed, or
 - (ii) the likelihood of another prescribed complaint being made in relation to the licensee or manager of the club premises.

Subdivision 4 General provisions

144Y Notice of proposed remedial action

- (1) Before taking remedial action under this Subdivision, the Authority must give the following persons written notice of the proposed remedial action—
 - (a) if the Authority proposes to take remedial action in relation to a licensee or manager of licensed premises—
 - (a) the licensee or manager against whom remedial action is proposed to be taken,
 - (b) if the Authority proposes to take remedial action against a manager of licensed premises—the licensee for the licence relating to the licensed premises,
 - (c) the owner of the licensed premises,
 - (e) each person who is interested in the business, or in the conduct or profits of the business, carried on under the licence and whose name has been given to the Authority under section 41 or 55,
 - (f) any other person prescribed by regulations for the purposes of this section.
 - (b) if the Authority proposes to take remedial action in relation to a licence—
 - (a) the licensee for the licence,
 - (b) the manager of the licensed premises relating to the licensed premises,

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- (c) if the Authority proposes to reprimand or disqualify the secretary of a registered club or another member of the club's governing body—the secretary of the registered club or other member,
 - (d) the owner of the licensed premises to which the licence relates,
 - (e) each person who is interested in the business, or in the conduct or profits of the business, carried on under the licence and whose name has been given to the Authority under section 41 or 55,
 - (f) any other person prescribed by regulations for the purposes of this section.
- (2) The notice must specify the following information—
- (a) the number of demerit points in force in relation to the licensee, manager or licence,
 - (b) the following details of the proposed remedial action—
 - (i) the period of any proposed suspension of the licence,
 - (ii) the details of any proposed reprimand of a person,
 - (iii) the period of any proposed disqualification of a person,
 - (iv) the date on which any proposed suspension or disqualification starts,
 - (v) the date on which any proposed suspension or disqualification ends,
 - (vi) the details of any conditions proposed to be imposed on the licence,
 - (vii) any other details prescribed by the regulations for the purposes of this section,
 - (c) that the person may, within the submission period for the notice, make submissions to the Authority about the proposed remedial action.

144Z Requirements for deciding to take remedial action

- (1) In deciding whether to take remedial action under this Subdivision, the Authority must take into account the following—
- (a) any submissions made by the following persons—
 - (i) a person specified in section 144Y(1),
 - (ii) the NSW Police Force,
 - (iii) the local consent authority for the licensed premises,
 - (iv) the Secretary,
 - (b) to the extent that the Authority considers it to be relevant to the decision—
 - (i) the size and patron capacity of the licensed premises and any impact those factors have on the ability of the licensee or manager of the licensed premises to prevent a demerit offence being committed or another prescribed complaint being made in relation to the licensee or manager of the licensed premises, and
 - (ii) the history and nature of the commission of demerit offences by the licensee or manager, and
 - (iii) the history and nature of prescribed complaints that have been made in relation to the licensee or manager, and
 - (iv) whether other action would be preferable, and

- (v) whether there have been changes to the persons who are the licensee, manager of the licensed premises, or owner of the business carried on under the licence, and
 - (vi) whether there have been changes to the business practices in respect of the business carried on under the licence, and
 - (vii) any other matter prescribed by the regulations for the purposes of this section.
- (2) The Authority may take into account any other matter the Authority considers relevant.
 - (3) The Authority must, as soon as practicable after making the decision, give each person stated in section 144Y(1) written notice of the following—
 - (a) the decision,
 - (b) the reasons for the decision,
 - (c) any right of review in respect of the decision.
 - (4) The regulations may prescribe guidelines setting out how the matters referred to in subsection (1)(b) are to be taken into account by the Authority.

144ZA Provisions relating to conditions imposed under this Subdivision

- (1) In imposing a condition on a licence under this Subdivision, the Authority may, but is not required to, specify a period for which the condition is to apply.
- (2) The Authority may, at any time, vary or revoke a condition imposed on a licence under this Subdivision.
- (3) In varying or revoking a condition under subsection (2), the Authority must comply with sections 144Y and 144Z as if—
 - (a) a reference to taking remedial action in relation to a licence in those sections were a reference to varying or revoking a condition of the licence, and
 - (b) a reference to proposed remedial action in those sections were a reference to the proposed variation or revocation.
- (4) If a period for which a condition imposed on a licence under this Subdivision is to apply is not specified, the condition remains in force until revoked by the Authority.

Division 5 Removal and reinstatement of demerit points

144ZB Application by licensee or manager of licensed premises to remove a category 1 demerit point

- (1) This section applies in relation to a licensee or manager of licensed premises other than a club premises, or the secretary for a registered club, if—
 - (a) there is not more than 1 demerit point in force in relation to the licensee or manager, or the club licence for the registered club, and
 - (b) the demerit point is a category 1 demerit point.
- (2) The licensee, manager or secretary may apply to the Authority to remove the category 1 demerit point if, in the 10-year period immediately preceding the making of the application—
 - (a) the licensee or manager has not committed a demerit offence other than the demerit offence, if any, in respect of which the demerit point was incurred, and

- (b) no other demerit points have been incurred or imposed against the licensee or manager, or the club licence.
- (3) The application must—
 - (a) be in the form and manner approved by the Authority, and
 - (b) be accompanied by—
 - (i) the fee (if any) prescribed by the regulations, and
 - (ii) any information or particulars prescribed by the regulations, and
 - (c) comply with any other requirements approved by the Authority or prescribed by the regulations.
- (4) In this section—
 - category 1 demerit point***—
 - (a) in relation to a person, means a demerit point incurred against the person as a result of the person having committed a category 1 demerit offence, or
 - (a) in relation to a club licence, means a demerit point incurred against the club licence as a result of the manager of the club having committed a category 1 demerit offence.

144ZC Application to remove demerit points

- (1) The following persons may apply to the Authority to remove a demerit point that is in force in relation to a licensee, manager of licensed premises or club licence—
 - (a) if the demerit point is in force in relation to a licensee—the licensee,
 - (b) if the demerit point is in force in relation to a manager of licensed premises—the manager,
 - (c) if the demerit point is in force in relation to a club licence—the secretary of the registered club that holds the club licence.
- (2) However, a person may not apply under this section to remove a demerit point within the period of 12 months immediately after the demerit point was incurred or imposed.
- (3) The regulations may prescribe other circumstances in which an application may not be made under this section.
- (4) The application must—
 - (a) be in the form and manner approved by the Authority, and
 - (b) be accompanied by—
 - (i) the fee (if any) prescribed by the regulations, and
 - (ii) any information or particulars prescribed by the regulations, and
 - (c) comply with any other requirements approved by the Authority or prescribed by the regulations.

144ZD Deciding application to remove demerit points

- (1) In deciding an application made under this Division, the Authority may—
 - (a) remove the demerit point, or
 - (b) refuse to remove the demerit point.
- (2) The Authority may decide to remove the demerit point only if the Authority is satisfied that—

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- (a) for an application made under section 144ZB(2)—
 - (i) the Secretary or the Authority have not taken any action in relation to the licensee or manager of the licensed premises, or the licence for the licensed premises, under any provision of this Act in relation to—
 - (A) the demerit point, or
 - (B) the act or circumstances that were the basis of the demerit offence in respect of which the demerit point was incurred, and
 - (ii) the act or circumstances that were the basis of the demerit offence in respect of which the demerit point was incurred did not result in serious harm to any person, and
 - (iii) the licensee or manager of the licensed premises has implemented measures, or undertaken a course of training or instruction, to manage or reduce the risks that contributed to the commission of the demerit offence in respect of which the demerit point was incurred, and
 - (iv) the provisions of this Act or the regulations referred to in the definitions of *category 1 demerit offence* and *category 2 demerit offence* have not, since the demerit point was incurred or imposed, been contravened—
 - (A) by the person who committed the demerit offence in relation to which the demerit point was incurred, or
 - (B) for a demerit point incurred against a club licence—by a manager of the club premises.
- (b) for an application made under section 144ZC(1)—
 - (i) any remedial action taken by the Authority under Division 2 of this Part in relation to the demerit point has been complied with, and
 - (ii) the licensee or manager of the licensed premises has implemented measures, or undertaken a course of training or instruction, to manage or reduce the risks that contributed to—
 - (A) the commission of the demerit offence in respect of which the demerit point was incurred, or
 - (B) the prescribed complaint in respect of which the demerit point was imposed, and
 - (iii) the provisions of this Act or the regulations referred to in the definitions of *category 1 demerit offence* and *category 2 demerit offence* have not, since the demerit point was incurred or imposed, been contravened—
 - (A) by the person who committed the demerit offence in relation to which the demerit point was incurred, or
 - (B) for a demerit point incurred against a club licence—by a manager of the club premises.
- (3) The regulations may also prescribe—
 - (a) any matters the Authority must consider in deciding the application, and
 - (b) any mandatory or discretionary grounds for refusing to grant the application.
- (4) The Authority must, as soon as practicable after making the decision, give the applicant written notice of the following—

- (a) the decision,
 - (b) the reasons for the decision,
 - (c) any right of review in relation to the decision.
- (5) If a demerit point is removed by the Authority under this section, any remedial action taken as a result of the demerit point continues to have effect despite the removal unless the Authority decides otherwise.

144ZE Reinstatement of demerit points

- (1) This section applies if the Authority is satisfied a demerit point was removed under section 144ZD(1)(a) on the basis of false or misleading information provided by a licensee, manager of licensed premises or secretary of a registered club.
- (2) The Authority may reinstate the demerit point against the licensee, manager of licensed premises or licence from against which the demerit point was removed.
- (3) A demerit point reinstated under subsection (2)—
 - (a) is taken not to have been removed, and
 - (b) must be reinstated in the demerit points register—
 - (i) against the licensee, manager of licensed premises or licence, and
 - (ii) in relation to the day that the demerit point was originally recorded under section 144E(2) or (3).
- (4) If a demerit point is reinstated under this section—
 - (a) any remedial action taken in relation to the licence or person as a result of the demerit point before the removal applies as if the demerit point had not been removed, and
 - (b) any condition imposed on the licence as a result of the demerit point immediately before the removal of the demerit point applies as if the demerit point had not been removed.

Division 6 General provisions

144ZF Submissions not to be used for prosecuting offences

A submission made to the Authority under this Part may not be used for the purposes of prosecuting an offence under this Act.

144ZG Administrative review by NCAT

- (1) A person required to be given notice of a reviewable decision under section 144Z(3) or 144ZD(4) may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of the decision.
- (2) The application must be made no later than 21 days after the person receives the notice.
- (3) Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997* does not apply to the application.
- (4) If the reviewable decision is a decision by the Authority to take remedial action, the application operates to stay the reviewable decision unless the Civil and Administrative Tribunal otherwise directs.

- (5) The operation of any remedial action taken by the Authority is suspended during any time the decision is stayed.
- (6) In determining the application, the Civil and Administrative Tribunal must take into account any matter that was required to be taken into account in making the reviewable decision.

144ZH Effect of appeals against convictions for demerit offences

- (1) An appeal against a conviction for a demerit offence does not operate to prevent—
 - (a) a demerit point being incurred as a result of the commission of the offence, or
 - (b) the taking of remedial action in respect of such a demerit point.
- (2) However, an appeal does operate to suspend the operation of any such remedial action until the appeal is determined or withdrawn.

Note. If the appeal is successful and the conviction is overturned a demerit point based on the conviction is revoked and any remedial action taken as a result of such a demerit point ceases to have effect.
- (3) The Authority may, if satisfied that circumstances have changed during the period that the operation of remedial action is suspended under this section, replace the remedial action with any remedial action that the Authority could have taken had those changed circumstances applied when the relevant demerit point was incurred.

[10] Section 150 Penalty notices

Insert after section 150(5)—

- (5A) A penalty notice issued in relation to a demerit offence, or material accompanying the penalty notice, must specify that—
 - (a) the penalty notice offence is a demerit offence, and
 - (b) demerit points will be incurred against the licensee or manager of licensed premises, or against a club licence, if—
 - (i) an amount is paid under a penalty notice in respect of the offence, or
 - (ii) a penalty notice enforcement order under the *Fines Act 1996* is made against the person named in the penalty notice in respect of the offence.

[11] Section 159 Regulations

Insert “, discounting” after “waiver” in section 159(2)(b).

[12] Schedule 1 Savings and transitional provisions

Insert at the end of the Schedule—

Part 16 Provisions consequent on enactment of Liquor Amendment (24 Hour Economy) Act 2020

62 Definition

In this Part—

amending Act means the *Liquor Amendment (24 Hour Time Economy) Act 2020*.

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commencement means the commencement of this Part.

previous Part 9A means Part 9A as in force before its repeal.

previous, in relation to a provision, means the provision as in force before the commencement.

63 Existing suspensions or cancellations of licences continue

The suspension or cancellation of a licence under previous sections 130C, 130D or 130E continues in effect despite the repeal of those provisions.

64 Existing disqualifications continue

The disqualification of a person from holding a licence under previous section 130E continues in effect despite the repeal of that section.

65 Existing strikes revoked

- (1) A strike incurred by a licensee or manager under previous section 144E and in force immediately before the commencement is revoked.
- (2) A strike incurred on a club licence under previous section 144I and in force immediately before the commencement is revoked.

66 Existing remedial action resulting from strikes continues

The revocation of a strike under section 65 does not affect the continued operation of any remedial action taken under previous Part 9A as a result of the strike.

[13] Schedule 4 Special licence conditions for declared premises

Omit the Schedule.

1.2 Liquor Regulation 2018

[1] Clause 8 Definitions

Omit “11(1)” from the definition of *compliance history risk loading element* in clause 8.
Insert instead “11”.

[2] Clause 10 Base fee element

Insert at the end of clause 10—

- (2) The base fee element must be reduced—
 - (a) for an assessment year that commences on or after 15 March 2024, if a demerit point has not been incurred or imposed against the licence, or a licensee or manager of the licensed premises for the licence, in the 3-year period preceding the assessment date—by 5%, or
 - (b) for an assessment year that commences on or after 15 March 2026, if a demerit point has not been incurred or imposed against the licence, or a licensee or manager of the licensed premises for the licence, in the 5-year period preceding the assessment date—by 10%.

[3] Clause 11 Compliance history risk loading element

Omit “The” from clause 11(1).

Insert instead “For an assessment year that commences before 15 March 2022, the”.

[4] Clause 11(1) and (3)–(5)

Omit “prescribed offence” wherever occurring. Insert instead “demerit offence”.

[5] Clause 11(1A)

Insert after clause 11(1)—

- (1A) For an assessment year that commences on or after 15 March 2022, the *compliance history risk loading element* of a periodic licence fee for a licence is calculated at a rate of 40 fee units for each demerit point incurred or imposed against the licence, or a licensee or manager of the licensed premises, during the relevant compliance period for the assessment year.

[6] Clause 11(2)

Omit the subclause. Insert instead—

- (2) No compliance history risk loading element is payable for a licence if—
- (a) for an assessment year that commences before 15 March 2022—none of the circumstances specified in subclause (1) exist in relation to the licence,
 - (b) for an assessment year that commences on or after 15 March 2022—no demerit points have been incurred or imposed against the licence, or a licensee or manager of the licensed premises, during the relevant compliance period.

[7] Clause 11(6)

Omit the definition of *prescribed offence*.

Insert in alphabetical order—

demerit offence has the same meaning as in section 4 of the Act.

[8] Clause 12 Trading hours risk loading element

Insert after clause 12(3)—

- (3A) The trading hours risk loading element must be reduced—
- (a) for an assessment year that commences on or after 15 March 2024, if a demerit point has not been incurred or imposed against the licence, or a licensee or manager of the licensed premises for the licence, in the 3-year period preceding the assessment date—by 5%, or
 - (b) for an assessment year that commences on or after 15 March 2026, if a demerit point has not been incurred or imposed against the licence, or a licensee or manager of the licensed premises for the licence, in the 5-year period preceding the assessment date—by 10%.

[9] Part 7A

Insert after Part 7—

Part 7A Demerit points system

107A Additional details for demerit points register

For the purposes of section 144D of the Act, the Secretary must, for each licensee, manager of licensed premises or licence in relation to which 1 or more demerit points are in force, record in the demerit points register details

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of the circumstances that resulted in each demerit point being incurred or imposed.

107B Matters Authority must consider when deciding to remove demerit point

For the purposes of section 144ZD(3)(a) of the Act, the following matters are prescribed—

- (a) whether the licensee has entered into a liquor accord,
- (b) if the licensee has entered into a liquor accord—the licensee’s compliance with the terms of the liquor accord.

[10] Clause 130 Provisional approval of applications to change boundaries of licensed restaurants for outdoor dining purposes

Omit “prescribed offence” from clause 130(2)(c). Insert instead “demerit offence”.

Schedule 2 Amendments of Liquor Act 2007 and regulation for cumulative impact assessments

2.1 Liquor Act 2007 No 90

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

published cumulative impact assessment, for Division 5 of Part 4—see section 72A.

related authorisation, for Division 5 of Part 4—see section 72A.

relevant licence, for Division 5 of Part 4—see section 72A.

relevant stakeholders, for Division 5 of Part 4—see section 72A.

[2] Part 4, Division 1A Temporary freeze on licences and other authorisations in prescribed precincts

Omit the Division.

[3] Section 48 Community impact

Insert after section 48(5)(a)—

- (a1) any published cumulative impact assessment that applies to the area in which the premises the subject of the application are located, and

[4] Part 4, Division 5

Insert after Division 4—

Division 5 Cumulative impact assessments

72A Definitions

In this Division—

published cumulative impact assessment means a cumulative impact assessment published under section 72E.

related authorisation means an extended trading authorisation for a relevant licence.

relevant licence means a licence of a type prescribed by the regulations for this Division.

relevant stakeholders, for a cumulative impact assessment, means the following—

- (a) the local consent authority,
(b) the local police,
(c) the Secretary of the Ministry of Health,
(d) any other person or class of persons prescribed by the regulations,
(e) any other person the Authority considers representative of holders of the type of relevant licence to which the assessment applies.

72B Preparation of cumulative impact assessment

- (1) This section applies if, because of the number of relevant licences or related authorisations in force for an area, the Authority considers that granting any further relevant licences or related authorisations for premises in the area is likely to be inconsistent with the Authority's duty under section 48(5) to

ensure that the granting of a licence or authorisation will not be detrimental to the well-being of the local or broader community.

Note. See section 59(3) which provides that an application for approval to remove a licence to other premises is to be dealt with and decided by the Authority as if it were an application for the granting of a licence for the other premises.

- (2) The Authority may prepare a document (a *cumulative impact assessment*) in relation to the cumulative impact of the granting of licences or authorisations for premises in that area.

72C Contents of cumulative impact assessment

- (1) A cumulative impact assessment must include the following—
 - (a) the reasons the Authority considers that granting any further relevant licences or related authorisations for premises in the area is likely to be inconsistent with the Authority's duty under section 48(5) to ensure that the granting of a licence or authorisation will not be detrimental to the well-being of the local or broader community,
 - (b) details of the evidence on which the Authority has formed that opinion,
 - (c) a map showing the area the subject of the assessment,
 - (d) any other information prescribed by the regulations.
- (2) A cumulative impact assessment may relate to—
 - (a) all relevant licences and related authorisations for premises in an area, or
 - (b) only relevant licences or related authorisations, or classes of relevant licences or related authorisations, specified in the assessment, or
 - (c) only classes of premises specified in the assessment.
- (3) A cumulative impact assessment may also include guidance about other types of approvals in relation to an existing relevant licence that it considers are likely to have an overall social impact in the area to which the assessment applies that is detrimental to the well-being of the local or broader community, including—
 - (a) approval of changes to the specified boundaries of the licensed premises, within the meaning of section 94, if the change in boundaries would increase the floor space of the licensed premises, or
 - (b) approval of a variation to the conditions of the licence if the variation would extend the trading hours of the licensed premises.

72D Consultation with relevant stakeholders

After preparing a draft cumulative impact assessment, the Authority must consult about the draft assessment with relevant stakeholders for the assessment.

72E Publication of cumulative impact assessment

If, after consulting with relevant stakeholders, the Authority still considers the cumulative impact assessment is necessary the Authority may publish it on a publicly accessible government website.

72F Review of cumulative impact assessment

- (1) The Authority must, at least every 2 years, review each cumulative impact assessment that is in force.

- (2) The first review of a cumulative impact assessment must be completed not later than 12 months after the assessment is published.
- (3) A review of a cumulative impact assessment must include consultation with relevant stakeholders for the assessment.

72G Variation of cumulative impact assessments

- (1) The Authority may, at any time, vary a cumulative impact assessment.
- (2) If the Authority varies a cumulative impact assessment it must publish, on a publicly accessible government website—
 - (a) a copy of the assessment as varied, and
 - (b) a statement explaining the reasons for the variation.

72H Revocation of cumulative impact assessments

- (1) The Authority may revoke a cumulative impact assessment if the Authority no longer considers that granting further relevant licences or related authorisations for premises in the area to which the assessment applies is likely to be detrimental to the well-being of the local or broader community.
- (2) However, before revoking the cumulative impact assessment the Authority must consult with relevant stakeholders for the assessment.
- (3) If, after considering the views of relevant stakeholders, the Authority revokes the cumulative impact assessment it must publish, on a publicly accessible government website, a statement—
 - (a) that the assessment has been revoked, and
 - (b) that includes information about why the assessment is no longer necessary.

2.2 Liquor Regulation 2018

Clause 123

Omit the clause. Insert instead—

123 Relevant licences for cumulative impact assessments—section 72A of Act, definition of “relevant licence”

- (1) For the purposes of Division 5 of Part 4 of the Act, a relevant licence is any of the following licences—
 - (a) a hotel licence, other than a hotel licence used for the purpose of operating a tourist accommodation establishment,
 - (b) a club licence,
 - (c) an on-premises licence that relates to a public entertainment venue, other than a cinema, theatre or dedicated live music and performance venue,
 - (d) an on-premises licence that is endorsed with an authorisation referred to in section 24(3) of the Act,
 - (e) a packaged liquor licence.
- (2) In this clause—
dedicated live music and performance venue—

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- (a) means a music hall, concert hall, dance hall or other space used primarily for the purpose of live music, live performances or creative or cultural uses, but
- (b) does not include premises that are used primarily as a nightclub.

Schedule 3 Amendments of Liquor Act 2007 and regulation for same day liquor deliveries

3.1 Liquor Act 2007 No 90

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

same day delivery, for Division 1B of Part 6—see section 114E.

same day delivery provider, for Division 1B of Part 6—see section 114E.

[2] Section 99 Responsible sale, supply, service or promotion of liquor

Omit section 99(2)(c). Insert instead—

- (c) requirements for licensees, managers and other persons engaged in the sale, supply, service or promotion of liquor or other related activities to undergo courses of training or otherwise demonstrate the necessary knowledge to promote responsible practices in engaging in the activities,

[3] Sections 114(2) and 127(1)

Insert “or other electronic means” after “site” wherever occurring.

[4] Section 114 Sale of liquor through internet or by other communication media

Omit from “A licensee” to “site—” in section 114(3).

Insert instead “A licensee who sells liquor, for delivery on a day other than the day the order is placed, by taking orders over the telephone, by facsimile or mail order or through an internet site or other electronic means—”.

[5] Section 114(3)(b)(iii)

Omit the subparagraph. Insert instead—

- (iii) in accordance with the customer’s instructions.

[6] Part 6, Division 1B

Insert after Division 1A—

Division 1B Same day liquor deliveries

114E Definitions

In this Division—

same day delivery—see section 114F.

same day delivery provider—see section 114G.

114F Meaning of “same day delivery”

- (1) For this Division, a *same day delivery* means the delivery of packaged liquor, under a commercial arrangement, to a person in New South Wales on the same day it is purchased by retail, irrespective of the State or Territory in which the sale is made.
- (2) The regulations may prescribe circumstances in which a delivery of packaged liquor is not a same day delivery.

114G Meaning of “same day delivery provider”

- (1) For this Division, a *same day delivery provider* means a licensee or other person conducting a business or undertaking who, as part of that business or undertaking—
- (a) states or otherwise indicates, whether by way of advertisement or otherwise, that the licensee or other person will supply liquor for same day delivery in New South Wales, and
 - (b) either—
 - (i) supplies the liquor by way of same day delivery, or
 - (ii) engages an employee or agent to supply the liquor by way of same day delivery.
- (2) The regulations may prescribe circumstances in which a licensee or other person is not a same day delivery provider.

114H Restrictions on same day deliveries

A same day delivery provider must not, as part of a same day delivery, supply liquor if the liquor—

- (a) is stored for sale at premises within New South Wales, and
- (b) is not sold under a licence.

Maximum penalty—100 penalty units.

Note. The operation of this provision does not affect the operation of other provisions in the Act that may require a person to obtain a liquor licence to sell liquor in New South Wales.

114I Age to be verified when agreement made for same day delivery

- (1) A same day delivery provider must, at the time the agreement for the same day delivery is entered into—
- (a) ask the person entering into the agreement to provide an evidence of age document that shows the person is at least 18 years of age, and
 - (b) verify the document.
- Maximum penalty—50 penalty units.
- (2) Subsection (1) does not apply if the same day delivery provider has—
- (a) previously verified an evidence of age document for the person that shows the person is at least 18 years of age, and
 - (b) kept a record of the verification.

114J Liquor not to be supplied to intoxicated person

A person must not, as part of a same day delivery, supply liquor to an intoxicated person.

Maximum penalty—100 penalty units.

114K Evidence of age document to be sighted at time of delivery of liquor

A same day delivery provider or an employee or agent of the provider must, at the time the same day delivery is made, sight an evidence of age document that shows the person accepting the delivery is the person who entered into the agreement for the delivery.

Maximum penalty—50 penalty units.

114L Liquor not to be supplied in alcohol-free zones, alcohol prohibited areas or restricted alcohol areas

- (1) A person must not, as part of a same day delivery, supply liquor in—
- (a) an alcohol-free zone, or
 - (b) an alcohol prohibited area, or
 - (c) a restricted alcohol area.
- Maximum penalty—30 penalty units.
- (2) In this section—
- alcohol-free zone* has the same meaning as in the *Local Government Act 1993*.
- alcohol prohibited area* means an area declared to be an alcohol prohibited area under section 632A of the *Local Government Act 1993*.
- restricted alcohol area* means an area declared to be a restricted alcohol area under Division 2.

114M Cut-off time for same day deliveries

- A person must not make a same day delivery—
- (a) after 11 pm on a Sunday, or
 - (b) after midnight on any other day of the week.
- Maximum penalty—100 penalty units.

114N Records to be kept about refusal to deliver liquor

- (1) A same day delivery provider must keep a record of a same day delivery that the provider, or an employee or agent of the provider, refuses to make on the grounds that—
- (a) by making the delivery the provider, employee or agent would be—
 - (i) selling or supplying liquor to a minor in contravention of section 117, or
 - (ii) supplying liquor to an intoxicated person in contravention of section 114J, or
 - (b) at the time of the delivery, the provider, employee or agent was unable to sight an evidence of age document showing the person proposing to accept the delivery was the person who entered into the agreement with the provider.
- Maximum penalty—30 penalty units.
- (2) A same day delivery provider must, if asked by a police officer or inspector—
- (a) make a record kept under subsection (1) available for inspection by the police officer or inspector, and
 - (b) allow the police officer or inspector to take a copy of the record.
- Maximum penalty—30 penalty units.
- (3) A same day delivery provider must keep a record mentioned in subsection (1) for at least 1 year after the day on which the delivery to which the record relates was to have been made.
- Maximum penalty—30 penalty units.

114O Employees and agents not to be penalised for refusal to deliver in particular circumstances

- (1) This section applies to an employee or agent of a same day delivery provider who makes same day deliveries on behalf of the provider.
- (2) The same day delivery provider must ensure the employee or agent does not suffer any financial penalty for refusing to make a same day delivery on the grounds that—
 - (a) by making the delivery the provider, employee or agent would be—
 - (i) selling or supplying liquor to a minor in contravention of section 117, or
 - (ii) supplying liquor to an intoxicated person in contravention of section 114J, or
 - (b) at the time of the delivery, the employee or agent was unable to sight an evidence of age document showing the person proposing to accept the delivery was the person who entered into the agreement with the provider.

Maximum penalty—50 penalty units.

- (3) It is a defence to a prosecution for an offence under this section if it is proved that—
 - (a) a direction or agreement under which the employee or agent makes same day deliveries on behalf of the same day delivery provider sets out an alternative place for delivery of the liquor, and
 - (b) the employee or agent did not take reasonable steps to deliver the liquor to that place.
- (4) In this section—

financial penalty includes any action that has a financial impact including, for example, withholding or delaying payment or a loss of hours of employment.

114P Self-exclusion

- (1) A person (the *participant*) may ask a same day delivery provider to enter into an agreement (a *self-exclusion agreement*) with the participant under which the participant agrees to be prevented from having liquor delivered by the same day delivery provider to the participant—
 - (a) for the period specified in the self-exclusion agreement, or
 - (b) permanently.
- (2) The same day delivery provider must—
 - (a) enter into the agreement as requested, and
 - (b) comply with the agreement.

Maximum penalty—30 penalty units.
- (3) If a same day delivery provider sells or advertises liquor through an internet site or by other electronic means for same day delivery, the provider must ensure that—
 - (a) the internet site or other electronic means provides a way for a person to enter into a self-exclusion agreement with the provider, and
 - (b) any person accessing the internet site or other electronic means would reasonably be expected to be alerted to the ability to enter into a self-exclusion agreement.

Maximum penalty—30 penalty units.

- (4) No civil or criminal liability is incurred by the same day delivery provider for an act done, or omitted to be done, in good faith and in accordance with this section, in relation to the participant.

114Q Training of persons making same day deliveries

- (1) A same day delivery provider must not make a same day delivery, or permit an employee or agent to make a same day delivery for the provider, unless the provider, employee or agent has the training, that is reasonably practicable, to ensure liquor delivered by the provider, employee or agent as part of a same day delivery is supplied responsibly.

Maximum penalty—50 penalty units.

- (2) Without limiting subsection (1), a same day delivery provider may—
- (a) provide an employee or agent of the provider with the training, or
 - (b) confirm the employee or agent has been provided with the training by another person.
- (3) The regulations may provide for further matters relating to the training of same day delivery providers and providers' employees or agents, including, for example, the minimum requirements for the training.
- (4) In this section—
training includes information, instruction and supervision.

114R Same day delivery providers liable for acts of employees and agents

- (1) This section applies if an employee or agent of a same day delivery provider contravenes any of the following provisions—
- (a) this Division or section 114 or 117,
 - (b) a regulation made for the purposes of this Division.
- (2) The same day delivery provider is taken to have also contravened the provision and is liable to the penalty for a contravention of that provision.
- (3) Subsection (1) does not apply if the same day delivery provider has—
- (a) ensured the employee or agent has the training referred to in section 114Q, and
 - (b) kept records that demonstrate the provider has complied with paragraph (a).

114S Review of regulation of same day deliveries

- (1) The Minister is to review the operation of this Act in relation to same day deliveries—
- (a) to decide whether the policy objectives of the Act in relation to same day deliveries remain valid, and
 - (b) whether the terms of this Division remain appropriate for securing the objectives.
- (2) The review is to be undertaken as soon as practicable after the period of 2 years after the commencement of this Division.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 2 years.

[7] Section 159 Regulations

Insert after section 159(2)(f1)—

- (f2) requirements for licensees, managers and other persons engaged in the sale, supply, service or promotion of liquor or other related activities to undergo courses of training or otherwise demonstrate the necessary knowledge to promote responsible practices in engaging in the activities,
- (f3) matters relating to same day deliveries of liquor under Division 1B of Part 6,

3.2 Liquor Regulation 2018

[1] Part 7B

Insert after Part 7—

Part 7B Same day liquor deliveries

107C Circumstances that are not same day deliveries

For the purposes of section 114F(2) of the Act, the following deliveries of packaged liquor are not a same day delivery—

- (a) a delivery of packaged liquor sold, whether by wholesale or retail, to a person authorised to sell liquor,
- (b) a delivery of packaged liquor that—
 - (i) forms part of a sale of food designed to be delivered with a hamper, and
 - (ii) in which the volume of the packaged liquor is not more than 2 litres.

107D Training for same day delivery providers, employees and agents of same day delivery providers

For the purposes of section 114Q of the Act, the minimum requirements for the training are that the training provides the same day delivery provider, employee or agent with an understanding of the following—

- (a) the obligations for responsibly delivering alcohol under the Act and other State laws,
- (b) how to responsibly serve alcohol in the context of delivering liquor, including how to recognise intoxication and reduce the risk of supply of liquor to minors,
- (c) how to ensure the provider's, employee's or agent's own safety in delivering liquor.

[2] Schedule 6 Penalty notice offences

Insert in appropriate order—

| | |
|-----------------|---------|
| Section 114H | \$1,100 |
| Section 114I(1) | \$550 |
| Section 114J | \$1,100 |
| Section 114K | \$550 |

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Liquor Amendment (24-hour Economy) Bill 2020 [NSW]
Schedule 3 Amendments of Liquor Act 2007 and regulation for same day liquor deliveries

| | |
|-----------------|-------|
| Section 114L(1) | \$330 |
| Section 114O(2) | \$550 |
| Section 114P(2) | \$330 |
| Section 114P(3) | \$330 |
| Section 114Q(1) | \$550 |

Schedule 4 Miscellaneous amendments of Liquor Act 2007 and regulation

4.1 Liquor Act 2007 No 90

[1] Section 4 Definitions

Insert in section 4(1)—

minors authorisation, for a small bar, see section 122A.

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

Omit “(1)(a)” from section 12(1B). Insert instead “(1)(b)”.

[3] Section 12(1B)

Omit “10 pm”. Insert instead “midnight on a Sunday that falls on 24 or 31 December”.

[4] Section 14 Authorisation conferred by hotel licence

Omit section 14(4A). Insert instead—

(4A) An extended trading authorisation must not authorise the sale of liquor for consumption away from the licensed premises—

(a) on a Sunday that does not fall on 24 or 31 December—after 11 pm, and

(b) on any other day—after midnight.

[5] Section 18 Authorisation conferred by club licence

Omit section 18(3A). Insert instead—

(3A) An extended trading authorisation must not authorise the sale of liquor for consumption away from the licensed premises—

(a) on a Sunday that does not fall on 24 or 31 December—after 11 pm, and

(b) on any other day—after midnight.

[6] Section 20B Trading hours for small bars

Omit “In the case of a small bar that is situated in an area that is not a prescribed precinct, an” from section 20B(2).

Insert instead “An”.

[7] Section 20B(2), note

Omit the note. Insert instead—

Note. Small bars may apply for longer trading periods under section 49A.

[8] Section 26 Authorisation to sell liquor for consumption away from licensed premises in special circumstances

Omit section 26(3A). Insert instead—

(3A) An authorisation must not authorise the sale of liquor for consumption away from the licensed premises—

(a) on a Sunday that does not fall on 24 or 31 December—after 11 pm, and

(b) on any other day—after midnight.

[9] Section 29 Authorisation conferred by packaged liquor licence

Omit “10 pm” from section 29(1)(b). Insert instead “midnight”.

[10] Section 29(3A)

Omit the subsection. Insert instead—

- (3A) An extended trading authorisation must not authorise the sale of liquor for consumption away from the licensed premises—
- (a) on a Sunday that does not fall on 24 or 31 December—after 11 pm, and
 - (b) on any other day—after midnight.

[11] Section 48 Community impact

Omit “, small bar licence” wherever occurring in paragraphs (a), (b) and (c) of the definition of *relevant application* in section 48(2).

[12] Section 48(3A)–(3C)

Omit the subsections.

[13] Section 49 Extended trading authorisation—general provisions

Insert after section 49(4)(a)—

- (b) a specified period between 10 pm and 11 pm on a Sunday.

[14] Section 49A Extended trading authorisation—small bars

Omit “that are not in a prescribed precinct” from the note to section 49A(1).

[15] Section 73 Prevention of excessive consumption of alcohol on licensed premises

Omit section 73(4) and (5). Insert instead—

- (4) If an intoxicated person is on licensed premises other than a vessel, the licensee is taken to have permitted intoxication on the licensed premises unless the licensee proves that—
- (a) the licensee, and the licensee’s employees or agents—
 - (i) refused to serve the person liquor after becoming aware the person was intoxicated, and
 - (ii) asked the person to leave the premises, and
 - (iii) if the person did not leave the premises immediately after being asked to leave or refused to leave—contacted, or attempted to contact, a police officer for help in removing the person from the premises, or
 - (b) the licensee, and the licensee’s employees and agents, took the steps to prevent intoxication on the licensed premises set out in the guidelines issued under subsection (5A), or
 - (c) the intoxicated person did not consume liquor on the licensed premises.
- (5) If an intoxicated person is on licensed premises that are a vessel, the licensee is taken to have permitted intoxication on the licensed premises unless—
- (a) the licensee proves that—
 - (i) the person was not intoxicated when the person boarded the vessel, and
 - (ii) the licensee, and the licensee’s employees and agents, refused to serve the person liquor after becoming aware the person was intoxicated, and

- (iii) the licensee, or the licensee's employee or agent, contacted, or attempted to contact, a police officer for help in removing the person from the vessel, and
- (iv) if the licensee, or the licensee's employee or agent, contacted a police officer, the licensee and the licensee's employees and agents followed the police officer's instructions, or
- (b) the licensee proves that the licensee, and the licensee's employees and agents, took the steps to prevent intoxication on the licensed premises set out in the guidelines issued under subsection (5A), or
- (c) the licensee proves that the intoxicated person did not consume liquor on the licensed premises.

[16] Section 79 Making of complaint

Insert after section 79(5)—

- (6) This section does not apply to a complaint of a type prescribed by the regulations.

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

Omit section 81(2)(a).

[18] Section 122A

Insert after section 122—

122A Minors in small bars

- (1) The Authority may, on application by the holder of a small bar licence, grant an authorisation (a *minors authorisation*) to enable minors to enter and remain in a small bar while not in the company of a responsible adult.
- (2) A minors authorisation for a small bar authorises minors to enter and remain in the small bar while not in the company of a responsible adult between—
 - (a) opening time, and
 - (b) the time, not later than midnight, decided by the Authority and stated in the minors authorisation.
- (3) An application for a minors authorisation must—
 - (a) be made in the form and way approved by the Authority, and
 - (b) be accompanied by—
 - (i) the fee, if any, prescribed by the regulations, and
 - (ii) any information or particulars prescribed by the regulations, and
 - (c) comply with any other requirements prescribed by the regulations or imposed by the Authority.
- (4) In deciding the application, the Authority must—
 - (a) have regard to any relevant matters prescribed by the regulations, and
 - (b) refuse to grant the minors authorisation if a mandatory ground for refusing the application prescribed by the regulations applies to the application.

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

Omit section 123(1)(b1). Insert instead—

- (b1) enter or remain in a small bar—

- (i) during any period before midnight unless—
 - (A) the minor is in the company of a responsible adult, or
 - (B) there is a minors authorisation in force for the small bar and the minor is in the small bar during the times authorised by the authorisation, or
- (ii) during any period of extended trading between midnight and 5 am on any day of the week, or
- (iii) during any time that the Authority, by written order given to the licensee, has declared the small bar off-limits to minors, or

[20] Section 123(2)(c)

Insert at the end of section 123(2)(b)—

, or

- (c) the minor has entered, or is on, the licensed premises for a purpose, or in circumstances, approved by the Authority and specified in the licence under section 124(3)(c).

[21] Section 123(5A)

Insert after section 123(5)—

- (5A) It is a defence to a prosecution for an offence under subsection (1)(b1) if it is proved that the defendant believed on reasonable grounds that a minors authorisation was in force at the relevant time to enable minors to enter or remain in the small bar without being in the company of a responsible adult.

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

Omit section 124(1)(b1). Insert instead—

- (b1) enters a small bar—
 - (i) during any period before midnight unless—
 - (A) the minor is in the company of a responsible adult, or
 - (B) there is a minors authorisation in force for the small bar and the minor is in the small bar during the times authorised by the authorisation, or
 - (ii) during any period of extended trading between midnight and 5 am on any day of the week, or
 - (iii) during any time that the Authority, by written order given to the licensee, has declared the small bar off-limits to minors, or

[23] Section 124(2)(b1)

Omit the paragraph. Insert instead—

- (b1) is in a small bar—
 - (i) during any period before midnight unless—
 - (A) the minor is in the company of a responsible adult, or
 - (B) there is a minors authorisation in force for the small bar and the minor is in the small bar during the times authorised by the authorisation, or
 - (ii) during any period of extended trading between midnight and 5 am on any day of the week, or

- (iii) during any other time that the Authority, by written order given to the licensee, has declared the small bar off-limits to minors, or

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

Insert “, small bar” after “while in a hotel” in section 125(1).

[25] Section 159 Regulations

Insert before section 159(2)(g)—

- (f4) conditions of licences in relation to the entertainment that may be provided, or the way in which entertainment may be provided, on licensed premises or areas adjacent to licensed premises, including the revocation of the conditions,

[26] Schedule 1 Savings and transitional provisions

Insert after clause 66—

67 Trading hours for small bars

- (1) This clause applies to a small bar licence if, immediately before the commencement—
- (a) the licence was in force for a small bar in a prescribed precinct, and
 - (b) the licensed premises were authorised to trade until midnight.
- (2) From the commencement, an extended trading authorisation under section 49A is taken to be in force authorising the sale or supply of liquor on the licensed premises between midnight and 2 am on any day of the week.

68 Extended trading authorisation for Sundays that do not fall on 24 or 31 December

- (1) This clause applies to licensed premises or a part of licensed premises (*relevant premises*) that, immediately before the commencement—
- (a) were premises to which section 12(1B) of this Act applied, and
 - (b) were authorised to trade until 10 pm.
- (2) However, this clause does not apply to relevant premises if the licence was, immediately before the commencement, subject to a condition—
- (a) imposed before 24 February 2014, requiring the premises to cease trading at or before 10 pm on any day, other than a Sunday that does not fall on 24 or 31 December or a restricted trading day, or
 - (b) imposed on or after 24 February 2014, requiring the premises to cease trading before 10 pm on any day, other than a Sunday that does not fall on 24 or 31 December or a restricted trading day, or
 - (c) imposed before 14 January 2020, requiring the premises to cease trading before 10 pm on any Sunday, other than a Sunday that falls on 24 or 31 December or a restricted trading day.
- (3) From the commencement, an extended trading authorisation under section 49(4) is taken to be in force authorising the sale or supply of liquor on relevant premises for consumption away from the licensed premises between 10 pm and 11 pm on a Sunday that does not fall on 24 or 31 December.

69 Standard trading hours

- (1) This clause applies to licensed premises or a part of licensed premises (*relevant premises*) to which section 12(1B) of this Act applies if the licence for the relevant premises—
 - (a) was granted, or subject to a variation of trading hours, between the period starting on 16 December 2016 and ending immediately before the commencement, and
 - (b) was subject to a condition that required the relevant premises to cease the sale or supply of liquor for consumption away from the licensed premises at 10 pm on any day other than a Sunday.
- (2) From the commencement of this clause, the standard trading period as set out in section 12(1)(a) and (1B), as amended by the amending Act, applies to the licence as if the licence had been granted or varied after the commencement.

70 Certain entertainment conditions cease to have effect

- (1) This clause applies to any of the following conditions (an *entertainment condition*) of a licence that are in force immediately before the commencement—
 - (a) a condition that restricts the genre of music that may be played or performed on the licensed premises,
 - (b) a condition that restricts the number of musicians or live entertainment acts that may perform on the licensed premises,
 - (c) a condition that restricts what type of instruments may be played on the licensed premises.
- (2) From the commencement, the entertainment condition ceases to have effect.

71 Entertainment conditions not to be imposed

- (1) From the commencement, an entertainment condition may not be imposed on a licence.
- (2) However, subclause (1) does not apply to an entertainment condition relating to adult entertainment of a sexual nature.
- (3) In this clause—

entertainment condition means a condition of a licence that has the effect of limiting—

 - (a) the entertainment that may be provided on licensed premises or an area adjacent to licensed premises, or
 - (b) the way in which entertainment may be provided on licensed premises or an area adjacent to licensed premises.

4.2 Liquor Regulation 2018

[1] Clause 7A

Insert after clause 7—

7A Exemption from particular fees

- (1) A licensee is exempt from the requirement under section 53(3)(b) or 54(2A)(b) of the Act to pay a fee in relation to an application made under section 53(2)(a) or 54(2) to vary or revoke a prescribed live music condition.
- (2) In this clause—

prescribed live music condition, for a licence, means a condition of the licence that—

- (a) prohibits or limits the playing of amplified music at licensed premises, or
- (b) prohibits or restricts the playing or performing of live music, live music entertainment or live entertainment—
 - (i) in all or part of the licensed premises, or
 - (ii) at all times of the day or particular times of the day.

[2] Clause 27 Categories of CIS

Omit clause 27(3)(c) and the note.

[3] Clause 35A

Insert before clause 36—

35A Issue of interim small bar authorisation to applicants for small bar licence

- (1) A person who applies for a small bar licence is, when the application is made, to be issued with an interim small bar authorisation by the Secretary if—
 - (a) the application is made online, and
 - (b) the application does not include an application for an extended trading authorisation, and
 - (c) the application is, except to the extent provided by this clause, made in accordance with sections 40 and 41 of the Act, and
 - (d) any planning approval required to use the premises for the purposes of a small bar is in force, and
 - (e) the application for the planning approval was subject to a public consultation process under the *Environmental Planning and Assessment Act 1979* and indicated that the premises are intended to operate as a small bar.
- (2) However, the applicant is not to be issued with an interim small bar authorisation in respect of the premises to which the application relates if—
 - (a) any interim small bar authorisation issued under this clause in respect of the premises has been revoked during the period of 12 months before the date on which the licence application is made, or
 - (b) an application for a small bar licence in respect of the premises has been refused during that 12-month period.
- (3) The Secretary may, by notice in writing to the applicant, require the applicant to provide any information the Secretary requires in relation to the matters referred to in subclause (1).
- (4) If the applicant does not comply with a request by the Secretary under subclause (3) within 30 days from the giving of the notice, the Secretary may revoke the interim small bar authorisation issued to the applicant.
- (5) If—
 - (a) an application for a small bar licence was made in accordance with the Act before the commencement of this clause but was not determined before that commencement, and
 - (b) any planning approval required to use the premises for the purposes of a small bar is in force, and

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Schedule 4 Miscellaneous amendments of Liquor Act 2007 and regulation

- (c) the application for the planning approval was subject to a public consultation process under the *Environmental Planning and Assessment Act 1979* and indicated that the premises are intended to operate as a small bar,
the Secretary may issue the applicant with an interim small bar authorisation.
- (6) An interim small bar authorisation under this clause is to be in the form approved by the Secretary.
- (7) While an interim small bar authorisation is in force, the person to whom the authorisation is issued, and any employee or agent of that person, is exempt from section 7 of the Act to the extent that the section prohibits the person, employee or agent from selling liquor on the premises to which the authorisation relates.
- (8) Subclause (7) is subject to the following requirements—
- (a) the sale of liquor on the premises to which the authorisation relates and the operation of those premises must comply with the licence conditions under the Act and this Regulation that would apply in relation to the premises if they were a small bar,
 - (b) any person selling liquor on the premises to which the authorisation relates must hold a recognised competency card with a current RSA endorsement under Part 5,
 - (c) in the case of an interim small bar authorisation issued under subclause (5), liquor cannot be sold on the premises unless the local police and the local consent authority have been given at least 2 days notice before trading commences.
- (9) The Secretary may revoke an interim small bar authorisation at any time if the Secretary is satisfied that—
- (a) the requirements or other matters referred to in subclause (1) or (5) (as the case requires) were not complied with, or were not applicable to the licence application, at the time the authorisation was issued, or
 - (b) any requirement referred to in subclause (8) has not been complied with in respect of the premises to which the authorisation relates.
- (10) For the purposes of the Act and this Regulation, while an interim small bar authorisation is in force—
- (a) the premises to which the authorisation relates are taken to be licensed premises, and
 - (b) the person to whom the authorisation is issued is taken to be the licensee of those premises.
- (11) Subclause (10) does not apply in relation to Division 3 of Part 4 of the Act or to such other provisions of the Act or this Regulation that the Secretary may determine by order in writing.
- (12) Unless the authorisation is revoked by the Secretary, the authorisation continues to be in force until the licence application in respect of which the authorisation was issued is determined by the Authority in accordance with the Act.
- (13) The 6-hour closure period under section 11A of the Act that, in accordance with subclause (8)(a), applies to the premises to which an interim small bar authorisation relates is the period from 4 am to 10 am.

[4] Clause 50 Sale or supply of liquor to minors prohibited (licensed premises)

Omit clause 50(1). Insert instead—

- (1) A licensee must, in accordance with this clause, display a notice on the licensed premises that informs a person on or at the premises that it is against the law to sell or supply alcohol to, or to obtain alcohol on behalf of, a person under the age of 18 years.

Maximum penalty—20 penalty units.

[5] Clauses 50(2), 52(3), 54(4)

Omit “Authority and be obtained from Liquor & Gaming NSW, Department of Industry.”

Insert instead “Secretary and published on a website maintained by Liquor & Gaming NSW, Department of Customer Service.”

[6] Clause 50(3)

Omit the subclause. Insert instead—

- (3) The notice must—
 - (a) be clearly legible and in good condition, and
 - (b) be prominently displayed—
 - (i) in the case of premises where liquor is sold at a bar or counter—
at the bar or counter, in a manner and position so that a person standing at the bar or counter would reasonably be expected to be alerted to its contents, and
 - (ii) in the case of premises where liquor is not sold at a bar or counter but is otherwise sold—at or near every entrance by which members of the public may enter the premises, in a manner and position so that a person coming in by the entrance would reasonably be expected to be alerted to its contents.

[7] Clause 51

Omit the clause. Insert instead—

51 Sale or supply of liquor to minors prohibited (Internet site)

- (1) A licensee who offers liquor for sale through an Internet site must, in accordance with this clause, display a notice on the site that informs a person accessing the site that it is against the law to sell or supply alcohol to, or to obtain alcohol on behalf of, a person under the age of 18 years.

Maximum penalty—20 penalty units.

- (2) The notice must use the wording approved by Secretary.
- (3) The notice must be prominently displayed on the site—
 - (a) at all times while the site is accessible, and
 - (b) in lettering big enough, and in a sufficient position, to ensure that a person accessing the site would reasonably be expected to be alerted to its contents.

[8] Clause 52 Minors prohibited in bar areas of hotels and clubs

Omit clause 52(2). Insert instead—

- (2) A licensee must, in accordance with this clause, display a notice in the bar area of the hotel or club premises concerned which informs a person entering the

area that persons under the age of 18 years are not permitted in the bar area by law.

Maximum penalty—20 penalty units.

[9] Clause 52(4)

Omit the subclause. Insert instead—

- (4) The notice must—
- (a) be clearly legible and in good condition, and
 - (b) be displayed in such a manner and in such a place that a person entering the part of the premises in which the notice is displayed would reasonably be expected to be alerted to its contents.

[10] Clause 53

Omit the clause. Insert instead—

53 Minors prohibited in small bars during certain hours

- (1) A licensee of a small bar who has been granted a minors authorisation must, in accordance with this clause, display a notice on the licensed premises which contains the following information—
- (a) that minors are permitted on the premises, without being in the company of a responsible adult, between opening time and the unaccompanied minors end time for the small bar,
 - (b) that minors on the premises must be in the company of a responsible adult between the unaccompanied minors end time for the small bar and midnight,
 - (c) that minors are not permitted on the premises between midnight at 5 am.
- Maximum penalty—20 penalty units.
- (2) A licensee of a small bar who has not been granted a minors authorisation must, in accordance with this clause, display a notice on the licensed premises which contains the following information—
- (a) that minors on the premises between opening time and midnight must be in the company of a responsible adult,
 - (b) that minors are not permitted on the premises between midnight at 5 am.
- Maximum penalty—20 penalty units.
- (3) If the Authority has declared a small bar off-limits to minors at any time by written order, the licensee of the small bar must, in accordance with this clause, display a notice on the licensed premises which informs persons at the premises that minors are not permitted on the premises during liquor trading hours.
- Maximum penalty—20 penalty units.
- (4) The notice must be in the form approved by the Secretary and published on a website maintained by Liquor & Gaming NSW, Department of Customer Service.
- (5) The notice must—
- (a) be clearly legible and in good condition, and
 - (b) displayed in such a manner and in such a place that a person entering the licensed premises would reasonably be expected to be alerted to its contents.

(6) In this clause—

unaccompanied minors end time, for a small bar, means the time decided by the Authority and stated in the minors authorisation granted to the licensee of the small bar as the time until when minors are permitted in the small bar without being in the company of a responsible adult.

[11] Clause 54

Omit “cause a notice containing the words specified in subclause (3) to be displayed,” from clauses 54(1) and (2).

Insert instead “display a notice,”.

[12] Clause 54(3)

Omit the subclause. Insert instead—

(3) The notice must inform a person entering the part of the premises in which the notice is displayed that persons under the age of 18 years in the area must be in the company of a responsible adult by law.

[13] Clause 54(5)

Omit the subclause. Insert instead—

(5) The notice must—

- (a) be clearly legible and in good condition, and
- (b) be displayed in such a manner and in such a place that a person entering the part of the premises in which the notice is displayed would reasonably be expected to be alerted to its contents.

[14] Clause 55 Breath analysis instruments

Omit paragraph (b) of clause 55. Insert instead—

- (b) the sign must contain information about the following matters in print of a type size and character that will be clearly legible to a person using the equipment—
 - (i) that the sign contains important information about breath testing,
 - (ii) that readings given by breath analysis instruments are not accepted by Police or the Courts,
 - (iii) that a person’s blood alcohol level can rise for 1 hour or more after a person’s last drink,
- (c) the sign must be in the form approved by the Secretary and published on a website maintained by Liquor & Gaming NSW, Department of Customer Service.

[15] Clause 103

Omit the clause. Insert instead—

103 Persons exempted from patron ID scanning requirements

Section 116E(1)(a) and (b) of the Act do not apply in relation to—

- (a) minors who are authorised to enter high risk venues, or
- (b) a person who—
 - (i) resides at premises situated at a high risk venue, and
 - (ii) must enter the high risk venue to access the person’s residence.

[16] Clause 108 “Evidence of age document”

Insert after clause 108(b)—

- (c) a digital proof of age product issued by Australia Post (known as “digitaliD”) for the purpose of attesting to a person’s identity and age.

[17] Clauses 117 and 118

Omit the clauses.

[18] Clause 130A

Insert after clause 130—

130A Certain noise emissions not to be subject of disturbance complaint under Act

For the purposes of section 79(6) of the Act, section 79 of the Act does not apply to a complaint in relation to noise that is emitted wholly from within licensed premises.

Note. Part 8.6 of the *Protection of the Environment Operations Act 1997* deals with noise control relating to premises.

[19] Schedule 1 Fees

Insert in appropriate order in Part 1—

| | | | |
|--|---|-----|-----|
| Minors authorisation for a small bar licence | 0 | 1.1 | 1.1 |
|--|---|-----|-----|