

2014 reforms for liquor regulation in NSW



Trade & Investment
Office of Liquor, Gaming & Racing

On 30 January 2014, the NSW Parliament passed the *Liquor Amendment Bill 2014* which will implement a package of new reforms to tackle alcohol-related violence

The *Liquor Amendment Bill 2014* will amend the *Liquor Act 2007* and the *Liquor Regulation 2008* to:

- declare the 'Sydney CBD Entertainment Precinct' and impose conditions on licensed premises within its boundaries
- enable the future declaration of other precincts in NSW, which will allow regulatory conditions to be imposed on licensed premises within a precinct
- create a freeze on most new licences and approvals for premises in the Sydney CBD Entertainment Precinct
- enable police to issue troublemakers with temporary banning orders, prohibiting them from entering most licensed premises in the Sydney CBD Entertainment Precinct
- enable police to apply to the Independent Liquor & Gaming Authority for a long term banning order for more serious troublemakers in the Sydney CBD Entertainment Precinct
- impose a new 1.30am lockdown time and 3am last drinks on venues in the Sydney CBD Entertainment Precinct and Kings Cross Precinct
- stipulate that the 1.30am lockdown and 3am last drinks provisions apply to declared premises in the Sydney CBD Entertainment Precinct and Kings Cross Precinct
- enable the suspension or revocation of RSA competency cards held by staff in the Sydney CBD Entertainment Precinct, or the disqualification of staff from holding a competency card for up to 12 months

- enable annual risk-based licence fees to be levied for liquor licences
- prohibit liquor stores, including online operators, and other venues from selling take-away liquor anywhere in NSW after 10pm, and
- suspend the operation of the online Responsible Service of Alcohol training trial.

This fact sheet outlines the reforms and the responsibilities for businesses and staff affected by the changes.

Some rules will take effect as soon as the legislation commences, which will occur shortly. Other rules will come into force later.

New rules for liquor licences and industry training across NSW

Rules for commencement shortly

No take-away liquor sales after 10pm

There will be a new state-wide 10pm closing time, every day of the week, for all bottle shops and liquor stores. This rule will also apply to the sale of take-away liquor sold in clubs and hotels, including take-away sales over the bar, as well as packaged liquor sales in liquor stores, supermarkets and grocery stores.

For licensees that provide liquor deliveries as part of their business model, liquor orders cannot be fulfilled (picked and/or packed) after 10pm, and liquor must not be delivered after 10pm.

Responsible Service of Alcohol (RSA) training

The current trial of online RSA training will be suspended until changes have

been made to improve the integrity of online certification.

Provided a student has successfully completed an online RSA training course before the suspension period, the registered training organisation (RTO) can grant an interim RSA certificate to the student, which will allow them to obtain their competency card. However the RTO should not enrol any new student in an online RSA training course, or accept enrolment fees from new students or promote the availability of an online RSA training option. Access to the online course must be discontinued for all students, including any who have enrolled and either not completed or not commenced the course.

An RTO can continue to offer and conduct RSA courses on a classroom basis while online RSA training is suspended.

Rules to commence in 2015

Annual risk-based licensing fee scheme

A risk-based licensing fee scheme will be introduced, under which licensed venues will be levied an annual fee. The scheme will be modelled on the well-established schemes operating in Victoria and Queensland. It will enable fees to be levied according to a range of factors including:

- the location of a licensed premises
- the trading hours for the premises
- the patron capacity of the premises
- offences committed at or in relation to the premises
- compliance by the licensee with the requirements of the liquor laws.

The Government will publish details about the scheme later in 2014.

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New rules for venues and staff in the Sydney CBD

Rules for commencement shortly

The 'Sydney CBD Entertainment Precinct'

A new Sydney CBD Entertainment Precinct will be created to better address significant alcohol-related issues and anti-social behaviour in the Sydney CBD.

The Precinct stretches from Kings Cross to Cockle Bay, The Rocks, Haymarket, parts of Surry Hills and Darlinghurst. Venues within this precinct, excluding small bars, restaurants and tourism accommodation establishments, will be subject to new rules.

Bars in tourism accommodation establishments which are accessible from the street are not exempt from the rules applying to the Precinct.

Variations can be made to the boundaries of the Sydney CBD Entertainment Precinct if necessary. The Government can also establish new precincts as required in other areas of NSW which are experiencing high levels of alcohol-related problems.

A map of the Sydney CBD Entertainment Precinct is provided on page 3.

The existing Kings Cross Precinct will continue. Most conditions already imposed on venues in the Kings Cross Precinct are unaffected.

'Lock out' of new patrons at 1.30am

Clubs, hotels, general bars and on-premises licences relating to public entertainment (other than a cinema or theatre) and karaoke venues, within the Sydney CBD Entertainment Precinct or the Kings Cross Precinct, must not let people into their venue between 1.30am and 5am Monday to Saturday. In the case of Sunday morning, these venues must not admit patrons between 1.30am and

5am or the authorised opening time, whichever is later. This rule will also apply to any declared premises in these precincts.

People already in a venue before 1:30am can stay until the close of business. They are able to leave at any time, but if they leave after 1.30am, they cannot re-enter that venue during the lockout period, or gain entry to any other venue subject to the lockout.

'Last drinks' at 3am

Clubs, hotels, general bars and on-premises licences relating to public entertainment (other than a cinema or theatre) and karaoke venues, within the Sydney CBD Entertainment Precinct, or the Kings Cross Precinct, must not sell or supply liquor after 3am, which is the start of the 'liquor sales cessation period'. This requirement does not apply to venues exempt from the Precinct.

If a venue was authorised to sell or supply liquor after 3am prior to the reforms, the venue can remain open (but subject to the lockout) for other purposes, such as dining or entertainment, but must not serve liquor. Liquor sales cannot resume until the commencement of the next trading period, which is 5am Monday to Saturday, or in the case of Sunday morning, it is 5am or the authorised opening time, whichever is later.

Freeze on new liquor licences

A freeze will be imposed on the grant of specified types of new liquor licences and approvals, and on the grant of development consent, for premises in the Sydney CBD Entertainment Precinct. The new freeze will operate for two years. It will complement the freezes that are in place for the Kings Cross and the Oxford St Darlinghurst Precincts, and operate along similar lines. The existing Kings Cross Precinct and Oxford St Darlinghurst Precinct freezes will be extended to the same date.

Banning orders

Banning order provisions that were introduced for the Kings Cross Precinct in December 2013 are being extended to the Sydney CBD Entertainment Precinct.

Police can issue a temporary banning order to a person for 48 hours where the person refuses to comply with a move-on direction issued by police, or where the person has been refused admission to or asked to leave licensed premises.

Temporary banning orders will prevent entry to all licensed premises in the Sydney CBD Entertainment Precinct, except low risk restaurants that do not trade after midnight.

In more serious circumstances, Police can apply to the Independent Liquor & Gaming Authority for a long-term banning order to be issued for up to 12 months.

Long-term banning orders will prevent entry to all high risk venues in the Sydney CBD Entertainment Precinct.

Revocation of competency cards

The legislation will enable the Authority to suspend, revoke or disqualify a person from holding an RSA competency card, for up to 12 months, where the person is employed in a licensed venue in the Sydney CBD Entertainment Precinct.

This action can be taken where the Authority considers the person has contravened obligations that relate to the responsible service of alcohol.

Penalties of up to \$5,500 apply if a person with a suspended competency card, or a person who has been disqualified from holding a competency card, works in any capacity in a New South Wales licensed premises. Penalties of up to \$2,200 apply if a competency card is not surrendered to the Authority.

As a protection for licensees, a licensee does not commit an offence

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if they employ a person who has had their competency card revoked or disqualified, if the person still holds a competency card that appears to be current, and the licensee is satisfied that the card is current.

Rules to commence later in 2014

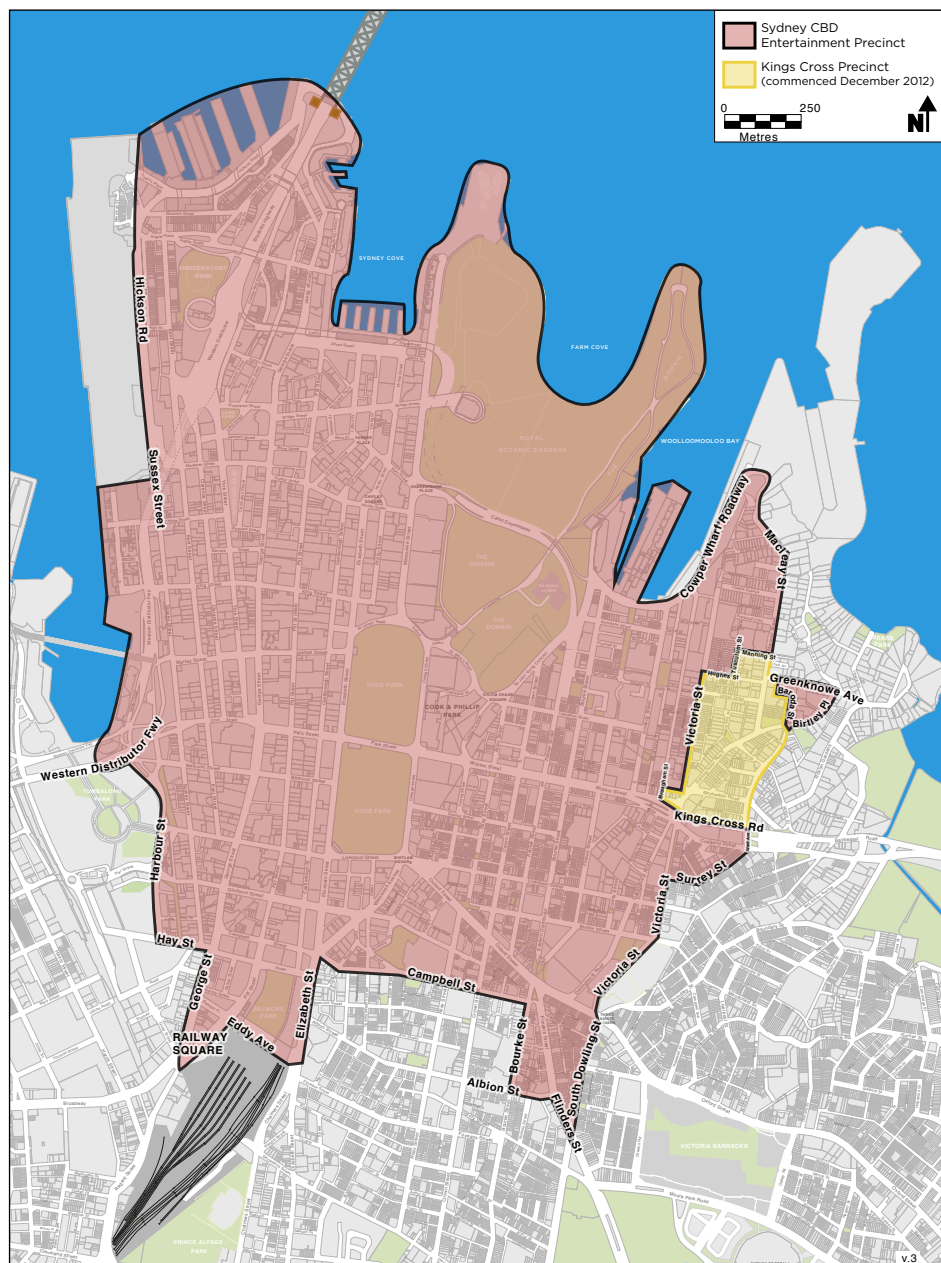
Additional licence conditions

Special licence conditions will be imposed on venues in the Sydney CBD Entertainment Precinct. These conditions could include bans on the use of glass and shots after midnight, restrictions on patrons wearing outlaw motorcycle gang apparel, and a requirement to use RSA marshals, and CCTV systems. The conditions will be developed through a Plan of Management in consultation with stakeholders, and will come into force later in 2014.

More information

For further information, visit www.olgr.nsw.gov.au

Map of the Sydney CBD Entertainment Precinct



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