



New South Wales Government Proposed Liquor Law Reforms

IMPORTANT NOTE

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What has been approved?

The Government has approved proposals to reform the New South Wales liquor laws.

These proposals will now be developed into new liquor laws which can then be considered by the NSW Parliament.

What information is available at this time?

These pages provide broad information about what is proposed – including the major features of the liquor law reforms, and key points of interest for industry and the community.

The detail of the new liquor laws is still under development, and is not available at this time.

Details still to be developed include the level of fees that will be payable, application processes, and procedural matters.

How can I get a copy of the new laws?

The laws will be contained in a new Liquor Bill, which will be publicly available once finalised. This is expected late in 2007.

What about the draft Liquor Bill released by the Government in late 2005?

The November 2005 draft Liquor Bill was released by the Government to enable consultation with industry, the community and other interested groups.

Over 900 submissions were received during the first half of 2006 from community organisations, the general public, local councils, businesses, industry associations and government agencies.

The many different views expressed in those submissions have helped to shape the Government's reforms.

When will the new laws be introduced into the NSW Parliament?

This is expected once the Liquor Bill has been finalised.

When are the new laws expected to commence?

Commencement depends on the passage of the Liquor Bill through the NSW Parliament.

Implementation of a completely new liquor licensing system is a complex task. The development of new processes and systems will take some time. There will need to be a comprehensive information and education process for stakeholders.

A Liquor Regulation containing supporting provisions for the new laws will also need to be finalised after consultation with industry, the community and other interested groups.

Once the Liquor Bill has been considered by the Parliament, it is expected that implementation will take between 6 and 12 months.

How will existing liquor licences be affected?

Existing liquor licence conditions will continue to apply for the time being. Trading hours for existing venues will not be reduced.





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Major features of the liquor law reforms

“Plain English”, flexible and modern licensing laws

The new laws will be much simpler and more flexible than existing liquor laws.

This will aid understanding and enforcement, while ensuring the laws meet the needs and expectations of industry and the community for a variety of different licensed venues.

The new laws will include a modern administrative liquor licensing process that will reduce costs and red tape for all parties.

Particular attention has been given to simplifying the wording of licence requirements, as well as underage drinking and key offence provisions.

A single new Liquor Act will regulate all liquor sales – including sales in registered clubs. The Registered Clubs Act will be retained, and will focus on club management and governance issues.

Enhanced objects of the legislation

The objects of the new laws will not only recognise the importance of minimising alcohol-related harm, but also the social and cultural role played by responsible alcohol use.

All persons who have functions under the new liquor laws will be required to have regard to the objects, which will be to:

- regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community;

- facilitate the balanced development, in the public interest, of the liquor industry through a flexible and practical system of regulation with minimal formality and technicality; and
- contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.

In securing these objectives, all persons who have functions under the new laws will be required to have due regard to the need to:

- minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),
- encourage responsible attitudes and practices in the promotion, sale, supply, service and consumption of liquor, and
- ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

A simplified and flexible administrative-based liquor licensing system

A new administrative authority will deal with liquor applications and disciplinary matters.

The new system has been developed to reduce costs for applicants, industry, the Government and the community.

It will also increase flexibility for applicants and local stakeholders to discuss and settle problems in a conciliatory manner.



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Creation of a new Casino, Liquor and Gaming Control Authority

Liquor and gaming licence applications (including applications to extend trading hours) and disciplinary matters will be considered by a separate Casino, Liquor and Gaming Control Authority.

Submissions can be made to the Authority by anyone, and they must be taken into account by Authority members when making a decision.

The Authority will be responsible for imposing penalties and suspending/cancelling licences in disciplinary matters. Appeals on disciplinary decisions made by the Authority will be heard by the Administrative Decisions Tribunal.

A minimum of three members will be appointed to the Authority for terms of up to five years to independently determine applications and disciplinary matters.

Role of the Director of Liquor and Gaming

The Director of Liquor and Gaming will continue to have responsibilities for enforcement of the liquor laws.

This will include determining noise/disturbance complaints against licensed venues. The Director will also be able to impose or vary licence conditions in disciplinary matters.

The Director will (subject to due process and consultation) be able to declare lockouts/curfews to reduce alcohol-related anti-social behaviour by reducing patron migration between licensed venues in problem areas.

Appeals on decisions made by the Director will be heard by the Casino, Liquor and Gaming Control Authority.

Simpler, more effective Community Impact Statements

The existing Liquor Act requires a social impact assessment for applications for a hotel or liquor store licence. This complex process is often time consuming and expensive.

A simple process which is clearly focused is required to ensure local stakeholders are properly consulted in liquor licence applications – without unnecessary red tape and costs. Therefore, social impact assessments will be replaced with a new Community Impact Statement process.

Community Impact Statements will gauge potential impacts of new hotels, clubs, bottle shops and other potentially high impact licensed venues on local communities. Licensed venues seeking extended trading hours and certain changes to licensed areas will also be subject to the new process. Community Impact Statements may not apply to low impact licence applications – such as restaurants, producers and limited licences.

Community Impact Statements will be prepared before liquor licence applications are made. Statements will summarise the results of consultation by applicants with local councils, police, health, Aboriginal representatives, community organisations and the public.

The process will be developed to minimise time and costs. No fee will be payable to the liquor licensing authority for a Community Impact Statement.



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Stakeholders will have an opportunity to comment on Community Impact Statements prepared by applicants. Applications will be advertised and anyone can make a submission to the Casino, Liquor and Gaming Control Authority.

Health, police and crime data will be taken into account by the NSW Office of Liquor, Gaming and Racing in forming an assessment for the Authority.

The Casino, Liquor and Gaming Control Authority will only be able to approve a licence where the overall social impact will not be detrimental to the well-being of the local community.

Noise and disturbance complaints

Residents, police and local councils will continue to be able to make complaints about undue disturbance to the quiet and good order of the neighbourhood associated with a licensed venue and/or its patrons.

Noise/disturbance complaints will be determined by the Director of Liquor and Gaming, with appeals available to the Casino, Liquor and Gaming Control Authority.

No change to hotel and liquor store trading hours

There will be no change to standard hotel and liquor store trading hours. The current standard hours will continue to apply – i.e. 5am to midnight Monday to Saturday, and 10am to 10pm on Sunday.

There will also be no change to existing hotel trading restrictions between midnight Sunday and 5am Monday, and on Good Friday and Christmas Day.

Takeaway sales on Good Friday and Christmas Day will not be permitted.

Applications for extended trading hours will be subject to Community Impact Statements.

Small bars and liquor sales in restaurants

Bars that do not provide gaming or sell takeaway alcohol will be able to obtain a special type of hotel licence.

They will be able to obtain an on-premises licence where the primary product or service is the provision of entertainment to patrons.

A community impact statement will apply to ensure local stakeholder input.

Licence costs will be \$500, which is significantly lower than at present. Toilet requirements will be determined by local councils under building and planning laws. Patron numbers will be up to business operators and local councils to determine.

Restaurants will be able to seek approval to allow liquor sales without a meal, with conditions to be determined by the Casino, Liquor and Gaming Control Authority. There will be no fee on grant for this approval.

The existing dine-or-drink authority with its high fees will be abolished.

The primary purpose of a restaurant will continue to be the sale and supply of meals to the public.

Surf club licensing arrangements

The reforms will ease restrictions on the sale of alcohol at functions in surf clubs and help clubs raise much needed funds.



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Surf clubs will be able to apply for an on-premises licence to sell liquor at private functions held at the club's premises.

Surf clubs will be able to hire out their premises for these functions - subject to any planning and local council requirements.

The on-premises licence will also cater for the club's own functions, as well as their traditional "coldies" social drinks.

Licence conditions and operating arrangements will be determined by the Casino, Liquor and Gaming Control Authority, following an application process where local stakeholders will be able to make submissions.

Allowing liquor sales at private functions in a licensed and regulated environment is preferable to forcing these functions to adopt BYO practices, where there is no supervision and responsible service of alcohol laws do not apply.

Surf clubs that do not want to hire out their club premises, or cannot do so, will continue to be able to sell liquor at their club functions and "coldies" drinks through a limited liquor licence.

Responsible service of alcohol and neighbourhood amenity provisions will apply to all licensed surf clubs.





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Simplified liquor licence categories

Liquor licence categories will be simplified – with the number of categories reduced from 21 to 6.

1. Hotel licence

Hotel licences will apply to premises where the primary purpose is the sale and supply of alcohol. This includes a variety of hotel venues (including accommodation hotels), as well as small and large bars.

Hotel licensees can make takeaway liquor sales if their licence conditions allow.

Bars that do not provide gaming or sell takeaway alcohol will be able to obtain a special type of hotel licence.

New hotels will be subject to Community Impact Statements to ensure local stakeholders can have their say in the liquor licensing process.

Standard hotel trading hours will be unchanged from the current liquor laws – i.e. 5am to midnight Monday to Saturday, and 10am to 10pm on Sunday.

There will also be no change to existing hotel trading restrictions between midnight Sunday and 5am Monday, and on Good Friday and Christmas Day.

Applications for extended trading hours will be subject to Community Impact Statements.

Hotel licence provisions will better reflect modern business operations and commercial leasing arrangements, as well as recent developments in dining facilities provided by hotels.

2. Club licence

Club licences will apply to registered clubs.

Clubs will continue to be referred to as “registered clubs” in the law. The Registered Clubs Act will be maintained, and will focus on club management and governance.

Existing clubs will continue to have unrestricted trading hours, and other registered club privileges will be maintained for all existing clubs.

Newly licensed registered clubs will be subject to Community Impact Statements to ensure local stakeholders can have their say in the liquor licensing process.

Newly licensed registered clubs will be subject to the standard trading period – i.e. 5am to midnight Monday to Saturday, and 10am to 10pm on Sunday. Applications for extended trading hours will be subject to Community Impact Statements.

Club control and liquor licensing provisions will be much simpler, and red tape will be reduced by deleting requirements for unnecessary club applications.

3. Packaged liquor licence

Packaged liquor licences will apply to liquor stores selling take away liquor only.

New packaged liquor licences will be subject to Community Impact Statements to ensure local stakeholders can have their say in the liquor licensing process.



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Standard liquor store trading hours will be unchanged from the current liquor laws – i.e. 5am to midnight Monday to Saturday, and 10am to 10pm on Sunday. Applications for extended trading hours will be subject to Community Impact Statements.

The existing law preventing takeaway sales on Good Friday and Christmas Day will be maintained.

Packaged liquor licences will not be able to trade between midnight and 5am on any day.

4. On-premises licence

This new category of licence will replace existing on-licences for restaurants, motels, theatres, universities, public halls, vessels, airports and section 74A licences.

It will also replace the existing nightclub, caterer's, Governors and community liquor licences.

On-premises licences will be very flexible.

Sale of liquor will be permitted for consumption primarily on the premises, and for consumption off the premises if specifically allowed. Individual licence conditions imposed by the Casino, Liquor and Gaming Control Authority will determine the type of business and alcohol sale, supply and consumption arrangements.

The type of business for an on-premises licence will be specified when the licence is granted.

An on-premises licence will generally not be issued where the sale, supply or consumption of liquor is the primary business or activity carried out on the premises.

There will be certain exemptions for some businesses and activities – such as airports and universities.

Most on-premises licences will be subject to the standard trading period – i.e. 5am to midnight Monday to Saturday, and 10am to 10pm on Sunday. Applications for extended trading hours will be permitted.

The sale of liquor under an on-premises licence will be with or ancillary to another product or service. Exceptions can be approved by the Casino, Liquor and Gaming Control Authority – such as to allow liquor sales without meals in restaurants. There will be no fee (other than the usual application processing fee) for such exceptions.

An on-premises licence will be available to operate a live music and public entertainment venue – where alcohol is provided to patrons with entertainment. This will replace the current nightclub and theatre licences. Restrictions applying to those licences will be removed.

While some high impact on-premises licence applications will be subject to the new Community Impact Statement process, most will not.

Unnecessary and outdated restrictions on businesses such as accommodation venues, caterers, universities, and entertainment venues will be removed.

5. Packaged Producer/wholesaler licence

Producer/wholesaler licences will apply to wine producers, brewers, distillers, and wholesalers.



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The licence allows wholesale sales to other liquor licensees.

For wine producers, the licence will be modernised to include features such as tastings (with a charge if desired) and cellar door sales, direct sales to the public at wine shows and farmers' markets, the operation of multiple premises in an area, and consumption on the premises as part of a restaurant/motel/vineyard event/etc.

Wine makers will be able to sell blended wines, so long as their wine contains a minimum percentage of product manufactured by the licensee.

The existing 45 litre limit on cellar door sales will be abolished.

For small scale regional brewers and distillers, the licence will also allow tastings and cellar door sales.

6. Limited licence

Limited licences will apply to sporting club and community functions, as well as significant regional and State events.

Existing special arrangements for surf club social functions will be maintained.





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Key Points

Responsive and modern liquor laws

- A new administrative licensing system based around a Casino, Liquor and Gaming Control Authority to reduce complexity and costs
- A new on-premises licence to encourage a greater range of licensed premises and better meet the needs of industry and the community
- A special type of hotel licence for bars that do not operate gaming machines or make takeaway sales
- Restaurants will be able to serve alcohol without a meal by making a simple application to the Casino, Liquor and Gaming Control Authority and only a small processing fee will apply
- The current Dine-or-Drink Authority and the \$15,000 fee will be abolished
- Support and encouragement for live music in the objects of the legislation and by allowing “order of occupancy” to be considered
- A modern wine producer’s licence which reflects changes in winemaking and allows sales at wine shows and local farmers’ markets/producer fairs
- Allow small scale brewers and distillers to provide tastings and make cellar door sales
- Accommodation venue licensing completely overhauled to remove outdated restrictions
- Bed and breakfast and ‘farm stay’ venues can legally sell alcohol
- Surf club liquor licensing privileges retained, and opportunities for surf clubs expanded under the new laws
- Accommodation venues can use the term “hotel” in their name
- Liquor sales at retirement village functions allowed without unnecessary licensing costs or restrictions
- Exemptions apply to auctioneers and commuter aircraft so that liquor licences will not be required

Better tools to minimise alcohol-related harm

- A new Community Impact Statement to facilitate local stakeholder input and the proper consideration of applications by the licensing authority – while reducing red tape, cost and time
- Noise/disturbance complaints allow residents and local councils to take quick action
- New offences to reduce anti-social behaviour
- It will be an offence for a drunk, violent or quarrelsome person who has been refused entry or ejected from a licensed venue to attempt to re-enter the premises or remain in the vicinity of the premises – on-the-spot-fines of \$550 apply for each offence



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- Increased penalties for underage drinking and intoxication offences
- Licensees and staff repeatedly caught supplying alcohol to minors and intoxicated patrons will face maximum fines of \$11,000 and/or 12 months in jail (up from \$5,500)
- Minors caught inside licensed venues or purchasing alcohol from a licensed venue will face a fine of up to \$2,200 (up from \$1,100)
- Plain English underage drinking provisions to assist parents to know what the law allows
- A specific definition for the term 'intoxicated' to assist licenses comply with responsible service of alcohol requirements
- Allow a person to request self exclusion from licensed premises to help them control their drinking
- New provisions to ban troublesome patrons from multiple licensed premises – subject to anti-discrimination controls
- Enhanced liquor accord provisions – accords will be able to apply to the Casino, Liquor and Gaming Control Authority to ban troublemakers from member-licensed venues for up to six months
- The Director of Liquor and Gaming can require licensees to contribute financially to Liquor Accords to strengthen their ability to address alcohol-related problems in their local community
- The Director of Liquor and Gaming can declare lockouts/curfews to reduce alcohol-related anti-social behaviour by reducing patron migration between licensed venues in problem areas (lockouts/curfews prevent patrons from entering licensed venues after a certain hour)
- Expanded provisions to prevent undesirable liquor products and promotions which encourage excessive and irresponsible alcohol consumption
- Allow 'restricted' areas to be declared to address chronic alcohol problems in a community – the Minister can recommend to the Governor that an area suffering chronic alcohol abuse be declared a "restricted area" for a maximum of three years with greater controls over the sale and supply of liquor
- 'Restricted' areas will not be limited to Indigenous communities and extensive consultation with the affected community will be required (formal guidelines will set out the criteria, restrictions, controls and penalties)
- Hotel and other licensees will be required to have accreditation and attend on-going training

