



## **Biggest NSW Liquor Law reform in 25 years**

6 November, 2007

**The lemma Government has announced the biggest shake-up of the State's liquor laws in a quarter of a century.**

NSW Premier Morris lemma said the package of reforms will be introduced to modernise and simplify the NSW liquor laws to reflect changing industry needs and community standards.

"After extensive consultation, we've reached a package of reforms which provides fairness and balance," Mr lemma said.

Premier lemma said the rewrite of the Liquor Act would:

- Provide the community with greater protection from alcohol related crime;
- Double penalties for the irresponsible service of alcohol;
- Introducing new offences for anti-social behaviour;
- Slash red tape and costs for industry; and
- Increase access to the licensing system for councils and residents.

**"Importantly, the Government has listened to community concerns about extended liquor trading and there will be no increase in standard trading hours for hotels and bottle shops," Mr lemma said.**

"We're also doubling penalties for venues and staff which are repeatedly caught supplying alcohol to minors and intoxicated people.

"And we're introducing new offences to reduce anti-social behaviour and doubling fines for minors caught inside licensed venues buying alcohol."

Mr lemma said key elements of the new Liquor Bill would include:

- A new Casino, Liquor and Gaming Control Authority to deal with applications for liquor licences and extended trading hours, and impose penalties in disciplinary matters.
- The Director of Liquor and Gaming to determine noise/disturbance complaints, impose/vary licence conditions in disciplinary matters, and declare "lock-outs/curfews" in problem areas.
- Simplifying liquor licence categories, reducing costs and providing greater flexibility for a wider variety of licensed venues – including special arrangements for small bars and tourism operators.
- Restaurants will be able to serve alcohol without a meal by making a simple application and only a small processing fee will apply. The current costly and restrictive Dine-or-Drink Authority (\$15,000) will be abolished.

- A new Community Impact Statement for new liquor licences and applications for extended trading hours for high impact venues. Requirements for greater public consultation will increase community input into licensing decisions.
- A self-exclusion scheme for people with alcohol problems to ban themselves from licensed venues.
- Enabling areas suffering from chronic alcohol abuse to be declared “restricted areas” with greater controls on the sale and supply of liquor.
- New provisions to support and encourage live music including cheaper and simpler liquor licences for entertainment venues, and allowing minors to perform in hotels and clubs subject to strict controls.
- A new process for Liquor Accords to ban troublemakers from multiple licensed venues, and new offences to deal with drunk and unruly patrons.
- Increased penalties for underage drinking and intoxication offences.
- Expanded powers to ban irresponsible liquor products and promotions.

Gaming and Racing Minister Graham West said the Liquor Bill provides comprehensive reforms to all sectors of the liquor industry across NSW.

“The centrepiece of the reforms is to take liquor licensing out of the courts and introduce an administrative-based system to reduce complexity and cost for industry, the community and government,” Mr West said.

“We received more than 900 submissions during the Liquor Bill process from community organisations, the general public, local councils, businesses, industry associations and government agencies, and their views are strongly represented in the reform package.

“These new liquor laws strike a balance between community and industry needs now and into the future.

“The details of the new laws will be finalised shortly as drafting of the Liquor Bill is completed.”

## **NSW Liquor Reform Fact Sheet**

### **Casino, Liquor and Gaming Control Authority**

- Will deal with applications for liquor licences and extended trading hours, including Community Impact Statements. Submissions can be made by anyone, and they must be taken into account by the Authority.
- 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.
- Members appointed for terms of up to five years to independently determine liquor licence applications and disciplinary matters.

### **Director of Liquor and Gaming**

- Will determine noise/disturbance complaints against licensed venues, and will be responsible for imposing/varying licence conditions in disciplinary matters.
- 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. Declarations will be subject to consultation and due process.
- Appeals against decisions made by the Director will be heard by the Casino, Liquor and Gaming Control Authority.

### **Greater flexibility for bars, restaurants, winemakers, and tourism venues**

- Bars that do not provide gaming or sell takeaway alcohol will be able to obtain a special type of hotel licence, or an on-premises licence where they provide entertainment to patrons. 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 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.
- A new on-premises licence will allow greater flexibility for a variety of businesses wishing to serve alcohol – subject to responsible service of alcohol laws and restrictions on inappropriate venues.
- Wineries will be able to charge for tastings, sell wine at approved wine shows and farmers' markets, operate a restaurant and motel, and licence a number of wineries in the same region – all under the one liquor licence.
- Boutique brewers and distillers outside of metropolitan areas can charge for tastings and make cellar door sales to the public to promote regional small business and tourism.
- Restrictions on how accommodation providers and motels can sell liquor to their guests will be removed.
- Bed and breakfast and farmstay operators will be legally able to sell alcohol to guests.
- New arrangements will cater for surf clubs, and for social events held by residents in retirement villages.

## **Liquor trading hours**

- No change to standard hotel and liquor store trading hours – i.e. 5am to midnight Monday to Saturday, and 10am to 10pm on Sunday. There will also be no change to hotel trading hours on Good Friday and Christmas Day.
- Restaurants and other venues will be subject to a 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.

## **Community Impact Statements**

- A new Community Impact Statement (CIS) 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 CIS process. 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.
- The new Community Impact Statement process will replace liquor social impact assessments. Statements will be prepared before liquor licence applications are made, and will summarise the results of consultation 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.
- 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.

## **Liquor accords**

- Liquor 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.

## **Self-exclusion and restricted areas**

- People with alcohol problems can self-exclude from licensed venues. Self-exclusion requests can also be made to Liquor Accords to enable exclusion from multiple licensed venues with a single request.
- The Minister will be able to 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 and other stakeholders will be required. Formal guidelines will set out the criteria, restrictions, controls and penalties.

## **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, with maximum court penalties of \$5,500.

### **Increased penalties for underage drinking and intoxication offences**

- Maximum fines for venue operators and their staff repeatedly caught supplying alcohol to minors and intoxicated patrons will rise to \$11,000 and/or 12 months in jail (up from \$5,500).
- Maximum fines for minors caught inside licensed venues or purchasing alcohol from a licensed venue will double to \$2,200 (up from \$1,100).

### **Irresponsible liquor products and promotions**

- Expanded powers will be available to ban irresponsible liquor products and promotions that are indecent or offensive or encourage rapid or excessive consumption. The law already allows bans on liquor products and promotions that are attractive to minors.
- The Director of Liquor and Gaming will have the power to require responsible consumption of alcohol messages on promotions that involve substantial liquor discounts.

### **Impact on existing liquor licensees and registered clubs**

- There will be no reduction in liquor trading hours or other licence trading entitlements for existing licensed premises and registered clubs as a result of the reforms.