



New South Wales

Liquor Amendment (Kings Cross Plan of Management) Bill 2013

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Liquor Act 2007* and other legislation to implement the second stage of the Government's plan of management for the Kings Cross precinct (the first stage of the plan was implemented by the *Liquor Amendment (Kings Cross Plan of Management) Act 2012* which commenced on 7 December 2012). The measures to be implemented by this Bill include the following:

- (a) to provide for 2 new types of banning orders (one that operates for up to 48 hours and the other for up to 12 months) that will prohibit certain persons from entering licensed premises in the Kings Cross precinct,
- (b) to provide for the ID scanning of all patrons who enter high risk venues in the Kings Cross precinct to ensure that banned persons are refused entry,
- (c) to enable the Independent Liquor and Gaming Authority (*ILGA*) to suspend or revoke the RSA competency card held by a person employed in licensed premises in the Kings Cross precinct if the employee breaches a patron's privacy in connection with the use of a patron ID scanner or contravenes the employee's obligations in relation to the responsible service of alcohol.

The Bill also makes it clear that an application for a small bar licence for premises in any part of the State is not required to be accompanied by a community impact statement, or to be advertised, if the application merely involves changing from a general bar licence to a small bar licence (which have a patron capacity of 60 and do not have take-away sales) and development consent has been obtained to sell liquor during the times that the small bar licence is to operate (see *Schedule 1 [4] and Schedule 2 [2]*).

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Liquor Act 2007

Schedule 1 [7] inserts the following provisions that will apply in relation to licensed premises in the Kings Cross precinct.

- Proposed section 116AA contains new definitions, including *high risk venue* which generally means a late trading venue in the Kings Cross precinct with a patron capacity of more than 120 persons. The Director-General, with the concurrence of the Commissioner of Police, will also be able to designate other licensed premises in the Kings Cross precinct as high risk venues. High risk venues will, as part of the Kings Cross plan of management, be required to scan patrons for their identification details (see proposed section 116AC). The decision of the Director-General to designate licensed premises as a high risk venue will be reviewable by ILGA (see **Schedule 3** which amends the *Gaming and Liquor Administration Act 2007*).
- Proposed section 116AB provides for the approval and operation of an integrated database system (the *Kings Cross precinct ID scanner system*). The system will comprise the identification details of persons who are subject to temporary or long-term banning orders, the information scanned and recorded by patron ID scanners at high risk venues and associated equipment (including the patron ID scanners linked to the system). The approval of a person or body to operate the system is subject to conditions, including conditions relating to privacy protection.
- Proposed section 116AC imposes special licence conditions for high risk venues. Patrons must have their photo IDs scanned before they enter and a patron must be refused entry if the patron chooses not to produce a photo ID or is the subject of a temporary or long-term banning order. The privacy of patrons must also be protected. It will also be an offence to produce a false ID in order to gain entry to a high risk venue.
- Proposed section 116AD provides for police officers to issue temporary banning orders to persons who have refused or failed to comply with a move-on direction, have failed to leave licensed premises when requested to do so or have attempted to re-enter licensed premises after being evicted. A temporary banning order will prohibit the subject person from entering any licensed premises in the Kings Cross precinct (other than licensed restaurants that do not trade past midnight) for a period of up to 48 hours.
- Proposed section 116AE provides for ILGA to make long-term banning orders in respect of persons who have committed a serious indictable offence involving alcohol-related violence or who have been given 3 temporary banning orders over a 12-month period. A long-term banning order will have the same effect as a temporary banning order except that it may operate for a period of up to 12 months.
- Proposed section 116AF provides that ILGA's decision to make a long-term banning order will be reviewable by the Administrative Decisions Tribunal.

Schedule 1 [8] and [9] enable the regulations to impose licence conditions requiring licensees for high risk venues in the Kings Cross precinct to appoint persons to be present in the venue during certain periods (such as "high-risk" periods) and to assume responsibility for the premises during such periods. **Schedule 1 [1]–[3], [5] and [6]** are consequential amendments.

Schedule 1 [10] provides that the breach of licence conditions imposed in respect of licensed premises in the Kings Cross precinct will be an offence that counts as a strike for the purposes of the 3 strikes disciplinary scheme under the *Liquor Act 2007*.

Schedule 1 [11] enables certain allegations relating to the status of persons as staff members or managers of licensed premises in the Kings Cross precinct to be evidence in proceedings of the truth of the allegation.

Schedule 1 [12] enables regulations to be made in relation to the Kings Cross precinct ID scanner system and the use of patron ID scanners.

Schedule 1 [13] provides for a review of the operation of the Kings Cross precinct ID scanner system after 12 months from the commencement of the proposed Act.

Schedule 2 Amendment of Liquor Regulation 2008

Schedule 2 [6] will enable ILGA to suspend or revoke the RSA competency card held by a person employed in a Kings Cross venue, or disqualify the person from holding such a card, if the person breaches his or her obligations in relation to the responsible service of alcohol or the use of patron ID scanners. The decision to suspend or revoke a person's RSA competency card, or to disqualify a person from holding such a card, will be reviewable by the ADT. A person will be prohibited from working on licensed premises in any part of the State during any period of suspension or disqualification. **Schedule 2 [4]** is a consequential amendment.

Schedule 2 [7] and [8] will require all licensees and staff members of licensed premises in the Kings Cross precinct who use a patron ID scanner on the premises to hold a RSA competency card indicating the successful completion of an approved privacy course. **Schedule 2 [1] and [3]** are consequential amendments. **Schedule 2 [5]** provides that a fee of \$30 is payable for including a privacy endorsement on a person's RSA competency card.

Schedule 2 [10] requires licensees to display signage relating to the hours of operation of licensed premises in the Kings Cross precinct.

Schedule 2 [11]–[14] provide that alcohol sales data in relation to licensed premises in the Kings Cross precinct must be recorded by licensees on a quarterly basis. **Schedule 2 [9]** is a consequential amendment.

Schedule 2 [15] provides that the only information that may be recorded by a patron ID scanner in a high risk venue is the identification details of a person and the photograph appearing on the person's photo ID.

Schedule 2 [16] and [17] provide for certain offences created under the proposed Act to be dealt with by way of a penalty notice.