



New South Wales

Liquor Amendment (Kings Cross Plan of Management) Bill 2012

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 first stage of the Government's plan of management for the Kings Cross precinct. The measures in that plan to be implemented by this Bill include the following:

- (a) extending until 24 December 2015 the existing freeze on granting liquor licences and development consents, and various other liquor-related authorisations such as late trading, in relation to premises in the Kings Cross precinct,
- (b) expanding the boundaries of the Kings Cross precinct so as to cover a wider area than the area to which the freeze provisions currently apply,
- (c) excluding small venues in the Kings Cross precinct (ie venues that are restricted to no more than 60 patrons and on which gambling activities or take-away liquor sales are not permitted) from the operation of the freeze provisions,
- (d) authorising the regulations to impose specific licence conditions relating to premises in the Kings Cross precinct,

- (e) requiring all licensees, bar staff and security personnel in the Kings Cross precinct to obtain a responsible service of alcohol competency card by 1 March 2013 (such cards must be renewed every 5 years and include photo ID).

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 No 90

Schedule 1 [1] and [2] define the *Kings Cross precinct* for the purposes of the *Liquor Act 2007 (the Act)*. The precinct will consist of the area currently set out in Schedule 2 to the Act (but which only has effect at present in relation to late trading by hotels on Sundays). The precinct as so defined will be wider than the Kings Cross precinct currently described in Schedule 5 to the Act (being one of the precincts in which the current liquor licence and development consent freeze operates). **Schedule 1 [4], [5], [7], [11] and [12]** are consequential amendments.

Schedule 1 [3] provides that the period of the liquor licence and development consent freeze for premises in the Kings Cross precinct will continue until 24 December 2015. The freeze period for other precincts described in Schedule 5 to the Act (namely the CBD South precinct and the Oxford Street, Darlinghurst precinct) is presently due to expire on 24 December 2012.

Schedule 1 [6] excludes small venues in the Kings Cross precinct from the operation of the freeze provision.

Schedule 1 [8] authorises the regulations to impose specific licence conditions relating to premises in the Kings Cross precinct. The conditions that may be prescribed by the regulations may (without limiting the matters to which they may relate) include matters such as restricting or prohibiting the use of glass containers on licensed premises, the exclusion of specified classes of persons from licensed premises and various measures relating to the responsible service of alcohol and public safety.

Schedule 1 [9] enables regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [10] contains provisions of a savings or transitional nature consequent on the enactment of the proposed Act. In particular, the operation of the licence and development consent freeze provisions will extend to applications relating to premises in the extended Kings Cross precinct but only if the application was made on or after 19 September 2012. Also, the existing *Kings Cross Precinct Liquor Accord* will be terminated as the measures imposed under that accord are intended to

be covered by the specific licence conditions to be imposed by the proposed regulations relating to the Kings Cross precinct.

Schedule 2 Amendment of Liquor Regulation 2008

Schedule 2 [1] provides that licensees, bar staff and security personnel (ie bouncers or crowd controllers employed on or about licensed premises) in the Kings Cross precinct will need to successfully complete an approved RSA training course in order to renew their RSA competency cards. Such cards expire 5 years after they are issued.

Schedule 2 [2], [5] and [7] require licensees, bar staff and security personnel working in the Kings Cross precinct to hold a RSA competency card after 1 March 2013. This means that other existing certification of the completion of a RSA training course will no longer be sufficient after that date for licensees, bar staff and security personnel in the Kings Cross precinct. **Schedule 2 [4]** is a consequential amendment. **Schedule 2 [3] and [6]** will ensure that bar staff and security personnel cannot be permitted to work on or about licensed premises after 1 March 2013 in the Kings Cross precinct unless they hold a RSA competency card.

Schedule 2 [8] and [9] provide that the new offences relating to RSA competency cards in relation to the Kings Cross precinct may be dealt with by way of a penalty notice.

Schedule 3 Consequential amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Schedule 3 ensures that any future extension by regulation of the Kings Cross precinct for the purposes of the *Liquor Act 2007* will not affect the operation of section 148 of the *Law Enforcement (Powers and Responsibilities) Act 2002* which authorises the use by police officers of dogs for general drug detection without warrant in the existing area of that precinct.