

First print



New South Wales

# **Liquor and Registered Clubs (Olympic and Paralympic Games) Bill 1999**

## **Explanatory note**

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

## **Overview of Bill**

The object of this Bill is to temporarily modify certain provisions of the *Liquor Act 1982* and the *Registered Clubs Act 1976* in order to put in place special arrangements relating to the conduct of the Olympic Games and the Paralympic Games in the year 2000.

## Outline of provisions

### Part 1 Preliminary

**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.

**Clause 3** defines certain words and expressions used in the proposed Act. Some provisions are expressed to apply only during *the Games period* which is defined to be the period from 2 September 2000 (the date on which the Olympic Village is to open) until 29 October 2000 (the last day of the Paralympic Games).

**Clause 4** provides that notes included in the proposed Act do not form part of it.

### Part 2 Liquor Act 1982

**Clause 5** provides that the proposed Part is to be construed with and as if it formed part of the *Liquor Act 1982*. The proposed Part therefore has effect as if it made unincorporable amendments to the *Liquor Act 1982*. The clause also provides that, in the event of an inconsistency between the proposed Part and the *Liquor Act 1982*, the proposed Part is to prevail to the extent of any inconsistency.

**Clause 6** enables the suspension of existing liquor licences at identified competition and major non-competition venues during the whole or any part of the period from 15 August 2000 to 1 November 2000, inclusive.

**Clause 7** enables the issue of temporary Governor's licences in respect of identified competition and major non-competition venues for the whole or any part of the period from:

- (a) 1 June 2000 to 1 November 2000, inclusive, in the case of the International Broadcast Centre, and
- (b) 1 August 2000 to 1 November 2000, inclusive, for other venues.

**Clause 8** permits, if an application is granted by the Licensing Court, an extension of trading hours for the Novotel Hotel and the Ibis Hotel, which are situated at Homebush Bay, in the same way as trading hours may currently be extended for hotels located in the City of Sydney.

**Clause 9** enables an extension of trading hours for hotels and on-licences, subject to specified controls:

- (a) in the Cities of Sydney and South Sydney and the local government area of North Sydney, and
- (b) in other specified local government areas, with the agreement of the local consent authority.

**Clause 10** enables the sale and supply of liquor at universities to Olympic Games technical officials who are accommodated at those universities, and their guests, during the period from 1 August 2000 to 1 November 2000, inclusive.

**Clause 11** relates to the sale and supply of liquor on vessels in waterways comprising, or that are located between, Port Stephens and Jervis Bay. Under section 35 of the *Liquor Act 1982*, liquor may only be sold or supplied on a vessel during a voyage after the vessel has left its berth. Clause 11 will enable an authorisation to be granted, with effect during the Games period, to sell and supply liquor to persons attending a function on a vessel while the vessel is berthed alongside or moored, subject to any conditions that may be imposed by the Licensing Court and the conditions that are specified in the clause.

### **Part 3 Registered Clubs Act 1976**

**Clause 12** provides that the proposed Part is to be construed with and as if it formed part of the *Registered Clubs Act 1976*. The proposed Part therefore has effect as if it made unincorporable amendments to the *Registered Clubs Act 1976*. The clause also provides that, in the event of an inconsistency between the proposed Part and the *Registered Clubs Act 1976*, the proposed Part is to prevail to the extent of any inconsistency.

**Clause 13** enables a registered club to enter into an arrangement, with the consent of a majority of the full members, for the use during the Games period of the whole or any part of its premises by persons, such as national Olympic committees, who are not members.

### **Part 4 Miscellaneous**

**Clause 14** provides that the functions conferred by the proposed Act are in addition to other functions conferred by law.

**Clause 15** provides that no civil liability is created by an act or omission of a person in good faith in purported administration or execution of the proposed Act or any regulations made under it.

**Clause 16** provides that no action in nuisance lies as a consequence of an act or omission of a person in the execution of a function under the proposed Act or any regulations made under it.

**Clause 17** provides for the enforcement of the provisions of the proposed Act.

**Clause 18** enables the making of regulations for the purposes of the proposed Act.

**Clause 19** provides that the proposed Act ceases to have effect on 31 December 2000.

### **Schedule 1 Greater Metropolitan Sydney**

**Schedule 1** lists the local government areas that form Greater Metropolitan Sydney and in which trading hours may be extended as referred to in clause 9 of the proposed Act.



New South Wales

# Liquor and Registered Clubs (Olympic and Paralympic Games) Bill 1999

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New South Wales

# Liquor and Registered Clubs (Olympic and Paralympic Games) Bill 1999

No. , 1999

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## A Bill for

An Act to make certain modifications to the *Liquor Act 1982* and the *Registered Clubs Act 1976* in relation to the conduct of the Olympic Games and Paralympic Games in the year 2000; and for other purposes.

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Clause 1           Liquor and Registered Clubs (Olympic and Paralympic Games) Bill 1999

Part 1             Preliminary

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**The Legislature of New South Wales enacts:** 1

**Part 1 Preliminary** 2

**1 Name of Act** 3

This Act is the *Liquor and Registered Clubs (Olympic and Paralympic Games) Act 1999*. 4  
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**2 Commencement** 6

This Act commences on a day or days to be appointed by proclamation. 7  
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**3 Definitions** 9

In this Act: 10

**OCA** means the Olympic Co-ordination Authority constituted by the *Olympic Co-ordination Authority Act 1995*. 11  
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**Olympic venues and facilities** means venues and facilities that are required for hosting the Olympic Games, including the following: 13  
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- (a) venues to conduct sporting events, 15
- (b) training facilities for competitors, 16
- (c) media centres and other communications facilities for the media, 17  
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- (d) residential accommodation for competitors, officials and members of the media, 19  
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- (e) storage facilities for sporting, communication or other equipment, 21  
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- (f) catering facilities for venues, training facilities, media centres and residential accommodation, 23  
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- (g) helicopter landing facilities, 25
- (h) transport and other physical infrastructure associated with any of the above venues or facilities, 26  
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- (i) any other development (within the meaning of the *Environmental Planning and Assessment Act 1979*) determined by the Director-General of OCA to be required for, or as being associated with, the Olympic Games. 28  
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**SOCOG** means the Sydney Organising Committee for the Olympic Games constituted by the *Sydney Organising Committee for the Olympic Games Act 1993*. 1  
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**the Games period** means the period from 2 September 2000 to 29 October 2000, inclusive. 4  
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**Note.** The Games period runs from the date on which the Olympic Village is to open until the last day of the Paralympic Games. 6  
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**the Olympic Games** means the Games of the XXVII Olympiad to be held principally in Sydney in the year 2000, and includes: 8  
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(a) the Paralympic Games, being the games for athletes with a disability that are to be held principally in Sydney in the year 2000, and 10  
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(b) a test event, being an event conducted at a venue or facility at which Olympic Games and Paralympic Games sporting events are to be conducted before those Games are held in order to test the capacity and operational functions of the venue or facility to provide for those sporting events. 13  
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#### 4 Notes 18

Notes included in this Act do not form part of this Act. 19

## **Part 2 Liquor Act 1982**

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### **5 Relationship with Liquor Act 1982**

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(1) This Part is to be construed with and as if it formed part of the *Liquor Act 1982*.

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(2) In the event of an inconsistency between this Part and the *Liquor Act 1982*, this Part prevails to the extent of the inconsistency.

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### **6 Suspension of certain licences and issue of temporary Governor's licences**

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(1) The Minister may, by order published in the Gazette, suspend a licence granted or issued in respect of:

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(a) premises that comprise or form part of any Olympic venues and facilities vested in or under the care, control or management of OCA or SOCOG, or

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(b) such other premises as the Minister may determine, if the licensee of the premises consents to the suspension of the licence.

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(2) The Minister's order is to specify the period for which the licence is suspended, which may be the whole or any part or parts of the period commencing on 15 August 2000 and ending on 1 November 2000, inclusive. The commencement or the end of the period or periods may be specified by reference to a date or by reference to the occurrence of a specified event or events.

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(3) The Minister must, before suspending a licence under this section, consult with the licensee, and OCA or SOCOG, as the case requires.

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(4) A temporary Governor's licence may be issued under section 7 of the *Liquor and Registered Clubs (Olympic and Paralympic Games) Act 1999* in respect of premises for the whole or any part of the period for which a licence granted or issued in respect of the premises is suspended under this section.

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### **7 Temporary Governor's licences**

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(1) An application for a temporary Governor's licence may be made to the Minister.

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|---|----------------------|
| (2) The application must be accompanied by or contain such information as the Minister requires or requests.  | 1<br>2               |
| (3) The Governor may, on the recommendation of the Minister and subject to such conditions as the Governor may impose, authorise the court to issue a licence authorising the sale of liquor at:  | 3<br>4<br>5          |
| (a) any Olympic venues and facilities, or   | 6                    |
| (b) such other premises as the Minister may recommend.  | 7                    |
| (4) A licence under this section may be issued for the whole or any part or parts of the period:  | 8<br>9               |
| (a) commencing on 1 June 2000 and ending on 1 November 2000, inclusive, in the case of the International Broadcast Centre, Carter Street, Homebush Bay, or  | 10<br>11<br>12       |
| (b) commencing on 1 August 2000 and ending on 1 November 2000, inclusive, for any other premises.   | 13<br>14             |
| (5) Section 19 of the <i>Liquor Act 1982</i> (subsection (1) excepted) applies to the issue of a licence under this section in the same way as it applies to the issue of a licence under that section.   | 15<br>16<br>17       |
| (6) A licence issued under this section is taken to have been issued under section 19 of the <i>Liquor Act 1982</i> .   | 18<br>19             |
| (7) Section 62A of the <i>Liquor Act 1982</i> does not apply to or in respect of an application for a licence under this section. However, the Minister may request the Director to provide a report concerning such matters relating to the application as the Minister may specify. | 20<br>21<br>22<br>23 |
| (8) Section 101 of the <i>Liquor Act 1982</i> does not apply to or in respect of a licence issued under this section.   | 24<br>25             |
| <b>8 Variation of trading hours for hotelier's licence</b>  | 26                   |
| (1) During the Games period, section 25 of the <i>Liquor Act 1982</i> applies to the Novotel Hotel and the Ibis Hotel, Olympic Boulevard, Homebush Bay, in the same way as it applies to licensed premises within an area referred to in subsection (2A) (a) of that section.         | 27<br>28<br>29<br>30 |
| (2) Nothing in this section limits the application of section 9 of the <i>Liquor and Registered Clubs (Olympic and Paralympic Games) Act 1999</i> .   | 31<br>32             |
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<b>9</b>	<b>Extension of trading hours for certain liquor licences</b>	1
(1)	This section applies to licensed premises that are:	2
(a)	a hotel, or	3
(b)	a licensed restaurant (premises to which an on-licence relates where the premises are a restaurant), or	4 5
(c)	a nightclub (premises to which a nightclub licence relates), or	6
(d)	premises on which a licensee who holds a caterer's licence provides catering services, or	7 8
(e)	premises to which an on-licence to sell liquor at a function relates, or	9 10
(f)	premises the subject of an on-licence and in respect of which a certificate under section 74A of the <i>Liquor Act 1982</i> is in force, or	11 12 13
(g)	premises the subject of an Australian wine licence (premises to which an on-licence to which Schedule 4 to the <i>Liquor (Repeals and Savings) Act 1982</i> applies).	14 15 16
(2)	During the Games period, nothing in Division 3 of Part 3 of the <i>Liquor Act 1982</i> restricts the hours during which licensed premises may sell and supply liquor in:	17 18 19
(a)	the City of Sydney, or	20
(b)	the City of South Sydney, or	21
(c)	the local government area of North Sydney.	22
(3)	During the Games period, nothing in Division 3 of Part 3 of the <i>Liquor Act 1982</i> restricts the hours during which licensed premises may sell and supply liquor in any of the following cities and other local government areas to the extent to which the local consent authority of the area has agreed to extended trading hours in accordance with this section:	23 24 25 26 27 28
(a)	Greater Metropolitan Sydney—the cities and other local government areas specified in Schedule 1 to the <i>Liquor and Registered Clubs (Olympic and Paralympic Games) Act 1999</i> ,	29 30 31
(b)	Wollongong—the City of Wollongong, the City of Shellharbour, the local government area of Kiama, the City of Shoalhaven and the local government area of Wingecarribee,	32 33 34

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- (c) Newcastle—the City of Newcastle, the City of Lake Macquarie, the local government area of Port Stephens, the City of Maitland and the City of Cessnock, 1  
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- (d) Central Coast—the City of Gosford and the local government area of Wyong. 4  
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- (4) The agreement of a local consent authority for the purposes of subsection (3) may apply to: 6  
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- (a) the whole or such part or parts of a city or other local government area as are determined by the local consent authority, and 8  
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- (b) such premises referred to in subsection (1), or such class or classes of those premises, as are determined by the local consent authority. 11  
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- (5) The agreement of a local consent authority for the purposes of subsection (3) is to be notified in accordance with guidelines approved by the Minister and published in the Gazette. 14  
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- (6) A licensee who wishes to sell and supply liquor during hours permitted by this section must give written notice to the Local Area Commander at the police station nearest to the licensed premises not less than 28 days before the commencement of the Games period of the licensee’s intention to operate under this section. 17  
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- (7) This section does not authorise the sale or supply of liquor: 22
- (a) on licensed premises in contravention of any condition of the licence imposed or varied by the court or the Board that limits the hours during which liquor may be sold or supplied on the premises, or 23  
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- (b) on the licensed premises of a section 74A licence in contravention of any condition of a licence imposed or varied under section 69, 104 or 143A of the *Liquor Act 1982* that limits the hours during which liquor may be sold or supplied on the premises, or 27  
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- (c) on licensed premises in contravention of a condition of a development consent under the *Environmental Planning and Assessment Act 1979* in relation to the licensed premises, other than a condition as to the hours of operation, or 32  
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(13)	In the case of a licence that authorises the sale or supply of liquor for consumption off the licensed premises, this section does not affect the hours during which liquor may be sold or supplied for consumption off the licensed premises.	1 2 3 4
<b>10</b>	<b>University on-licences</b>	5
(1)	During the period from 1 August 2000 to 1 November 2000, inclusive, subsection (5) of section 23 of the <i>Liquor Act 1982</i> applies to Olympic Games technical officials, and invited guests of those officials, in the same way as it applies to the members, and invited guests of members, referred to in that subsection.	6 7 8 9 10
(2)	This section applies only in relation to universities, or those parts of universities, that provide accommodation for Olympic Games technical officials.	11 12 13
<b>11</b>	<b>Vessels</b>	14
(1)	Despite section 35 of the <i>Liquor Act 1982</i> , an applicant for an on-licence (vessel) or the holder of an on-licence (vessel) may apply to the court for an authorisation under the licence to sell and supply liquor to persons attending a function on the vessel while the vessel is berthed alongside or moored.	15 16 17 18 19
(2)	An application:	20
(a)	is made by delivering it to the Principal Registrar, and	21
(b)	is to be accompanied by a fee of \$50.	22
(3)	The Principal Registrar is to give notice of an application to the Waterways Authority and to the Commissioner of Police not later than 3 working days after the application is made.	23 24 25
(4)	The jurisdiction of the court to grant the application may be exercised by the Principal Registrar if there is no objection to its grant.	26 27
(5)	An authorisation granted under this section authorises the holder to sell and supply liquor to persons attending a function on the vessel to which the on-licence (vessel) relates without the need for the vessel to undertake a voyage.	28 29 30 31
(6)	An authorisation granted under this section is subject to such conditions as are imposed by the court when the application for the authorisation is granted.	32 33 34

- (7) An authorisation granted under this section applies only to those waterways comprising, or that are located between, Port Stephens and Jervis Bay. 1  
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- (8) It is a condition of a licence that liquor must not be sold or supplied on a vessel pursuant to an authorisation granted under this section unless: 4  
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- (a) the licensee has given written notification to the Commander NSW Water Police, the Director and the Waterways Authority not less than 7 days before a function is held on the vessel of: 6  
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    - (i) the date of the function, and 9
    - (ii) the place of the function, and 10
    - (iii) the number of persons attending the function, and 11
    - (iv) appropriate contact details for the person who is chartering the vessel for the function, and 12  
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  - (b) the licensee keeps a register containing a copy of the written notification referred to in paragraph (a) on the vessel and the register is made available to a police officer or a special inspector on request, and 14  
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  - (c) all liquor sold and supplied at a function is provided only by the licensee, and 18  
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  - (d) at the time of chartering the vessel, the licensee has informed the person who is chartering the vessel for a function of the restrictions under the licence concerning the conduct of the function, and 20  
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  - (e) liquor is sold and supplied only to those persons who are private guests at the function and not to the general public, and 24  
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  - (f) the licensee has taken all reasonable steps to ensure that only function guests, crew and serving staff, and not the general public, are allowed to board the vessel to attend the function, including by displaying a sign at each entry to the vessel that a function is being held on the vessel and that only invited guests will be allowed entry, and 26  
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  - (g) the licensee and all serving staff on the vessel at a function have successfully completed a course of training, approved by the Board, that promotes the responsible sale, supply and service of liquor, and 32  
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  - (h) the licensee and all persons engaged in the sale, supply or service of liquor at a function take all reasonable steps to ensure that liquor is not sold or supplied to a minor, and 36  
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- (i) food of a nature and quantity consistent with the responsible sale, supply and service of liquor is made available whenever liquor is sold, supplied or served on the vessel, and
  - (j) liquor is sold or supplied to guests at the function only by way of open container, and
  - (k) any other conditions imposed by the court when the application for the authorisation was granted are complied with, and
  - (l) all other requirements or restrictions imposed in relation to the authorisation by the regulations are complied with.
- (9) Such an authorisation applies only during the Games period.
- (10) In addition to the persons who may take an objection under section 44 (1) of the *Liquor Act 1982* to the granting of an application for such an authorisation, an objection may be taken by the Waterways Authority.
- (11) Section 45 (3) (c) of the *Liquor Act 1982* does not apply to the grant of an application for such an authorisation.
- (12) In this section:
- function*** means a function, occasion or event at which liquor is sold and supplied on a vessel while it is berthed alongside or moored.
- Waterways Authority*** means the Waterways Authority constituted under Part 4 of the *Ports Corporatisation and Waterways Management Act 1995*.

<b>Part 3 Registered Clubs Act 1976</b>	1
<b>12 Relationship with Registered Clubs Act 1976</b>	2
(1) This Part is to be construed with and as if it formed part of the <i>Registered Clubs Act 1976</i> .	3 4
(2) In the event of an inconsistency between this Part and the <i>Registered Clubs Act 1976</i> , this Part prevails to the extent of the inconsistency.	5 6
<b>13 Leasing of club premises</b>	7
(1) Nothing in the <i>Registered Clubs Act 1976</i> prevents a registered club from entering into an arrangement (by lease, licence or otherwise) for the use of the whole or any part or parts of its premises for the whole or any part or parts of the Games period by any person or persons for any purpose.	8 9 10 11 12
(2) A registered club must not enter into an arrangement under this section unless the majority of the full members of the club for the time being have voted in favour of a resolution giving approval, in principle, to the arrangement.	13 14 15 16
(3) The secretary of a registered club must notify the Local Area Commander at the police station nearest to the registered club and the Director, in writing, of an arrangement under this section not less than 14 days before the commencement of the arrangement.	17 18 19 20
(4) A person who uses the whole or any part of the premises of a registered club in accordance with an arrangement under this section is taken to be a temporary member of the registered club.	21 22 23
(5) Section 30 (3B) of the <i>Registered Clubs Act 1976</i> does not prevent a person from being taken to be a temporary member of a registered club in accordance with this section.	24 25 26
(6) It is a defence to a prosecution for an offence under section 45 of the <i>Registered Clubs Act 1976</i> if it is proved that the person or persons who used the accommodation, facilities or amenities referred to in the information for the offence did so pursuant to an arrangement entered into under this section.	27 28 29 30 31

<b>Part 4 Miscellaneous</b>	1
<b>14 Nature of functions conferred by this Act</b>	2
Subject to this Act, the powers, authorities, duties and functions conferred or imposed by or under this Act are in addition to any powers, authorities, duties and functions conferred or imposed by or under any other Act or law.	3 4 5 6
<b>15 Claims for compensation</b>	7
No act or omission of a person in good faith in purported administration or execution of a provision of this Act or the regulations gives rise to any civil liability against:	8 9 10
(a) the person, or	11
(b) the State or an authority of the State, or	12
(c) a council (within the meaning of the <i>Local Government Act 1993</i> ).	13 14
<b>16 No liability in nuisance</b>	15
Anything done or omitted to be done by any person:	16
(a) in the exercise or performance of any powers, authorities, duties or functions under this Act or the regulations (including powers, authorities, duties or functions which, by this Act, are taken to be powers, authorities, duties or functions under another Act or instrument), or	17 18 19 20 21
(b) pursuant to any of the provisions of this Act or the regulations (including provisions which, by this Act, are taken to be provisions of another Act),	22 23 24
does not constitute a nuisance.	25
<b>17 Enforcement</b>	26
For the avoidance of doubt it is declared that, if, by this Act, any of its provisions are to be construed with and as if they formed part of another Act, those provisions may be enforced in accordance with the provisions for the enforcement of that other Act.	27 28 29 30

Clause 18          Liquor and Registered Clubs (Olympic and Paralympic Games) Bill 1999

Part 4              Miscellaneous

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<b>18</b>	<b>Regulations</b>	1
	The Governor may make regulations, not inconsistent with this Act, for	2
	or with respect to any matter that by this Act is required or permitted	3
	to be prescribed or that is necessary or convenient to be prescribed for	4
	carrying out or giving effect to this Act.	5
<b>19</b>	<b>Expiry of Act</b>	6
	This Act ceases to have effect on 31 December 2000.	7

