

Passed by both Houses



New South Wales

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

Contents

	Page
Part 1 Preliminary	
1 Name of Act	2
2 Commencement	2
3 Definitions	2
4 Notes	3
Part 2 Liquor Act 1982	
5 Relationship with Liquor Act 1982	4
6 Suspension of certain licences and issue of temporary Governor's licences	4
7 Temporary Governor's licences	4
8 Variation of trading hours for hotelier's licence	5
9 Extension of trading hours for certain liquor licences	6
10 University on-licences	9
11 Vessels	9

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Contents

	Page
Part 3 Registered Clubs Act 1976	
12 Relationship with Registered Clubs Act 1976	12
13 Leasing of club premises	12
Part 4 Miscellaneous	
14 Nature of functions conferred by this Act	13
15 Claims for compensation	13
16 No liability in nuisance	13
17 Enforcement	13
18 Regulations	14
19 Expiry of Act	14
Schedule 1 Greater Metropolitan Sydney	15

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 1999*



New South Wales

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

Act No , 1999

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.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

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

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

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

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Definitions

In this Act:

OCA means the Olympic Co-ordination Authority constituted by the *Olympic Co-ordination Authority Act 1995*.

Olympic venues and facilities means venues and facilities that are required for hosting the Olympic Games, including the following:

- (a) venues to conduct sporting events,
- (b) training facilities for competitors,
- (c) media centres and other communications facilities for the media,
- (d) residential accommodation for competitors, officials and members of the media,
- (e) storage facilities for sporting, communication or other equipment,
- (f) catering facilities for venues, training facilities, media centres and residential accommodation,
- (g) helicopter landing facilities,
- (h) transport and other physical infrastructure associated with any of the above venues or facilities,
- (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.

SOCOG means the Sydney Organising Committee for the Olympic Games constituted by the *Sydney Organising Committee for the Olympic Games Act 1993*.

the Games period means the period from 2 September 2000 to 29 October 2000, inclusive.

Note. The Games period runs from the date on which the Olympic Village is to open until the last day of the Paralympic Games.

the Olympic Games means the Games of the XXVII Olympiad to be held principally in Sydney in the year 2000, and includes:

- (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
- (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.

4 Notes

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

Part 2 Liquor Act 1982

5 Relationship with Liquor Act 1982

- (1) This Part is to be construed with and as if it formed part of the *Liquor Act 1982*.
- (2) In the event of an inconsistency between this Part and the *Liquor Act 1982*, this Part prevails to the extent of the inconsistency.

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

- (1) The Minister may, by order published in the Gazette, suspend a licence granted or issued in respect of:
 - (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
 - (b) such other premises as the Minister may determine, if the licensee of the premises consents to the suspension of the licence.
- (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.
- (3) The Minister must, before suspending a licence under this section, consult with the licensee, and OCA or SOCOG, as the case requires.
- (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.

7 Temporary Governor's licences

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

- (2) The application must be accompanied by or contain such information as the Minister requires or requests.
- (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:
 - (a) any Olympic venues and facilities, or
 - (b) such other premises as the Minister may recommend.
- (4) A licence under this section may be issued for the whole or any part or parts of the period:
 - (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
 - (b) commencing on 1 August 2000 and ending on 1 November 2000, inclusive, for any other premises.
- (5) Section 19 of the *Liquor Act 1982* (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.
- (6) A licence issued under this section is taken to have been issued under section 19 of the *Liquor Act 1982*.
- (7) Section 62A of the *Liquor Act 1982* 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.
- (8) Section 101 of the *Liquor Act 1982* does not apply to or in respect of a licence issued under this section.

8 Variation of trading hours for hotelier's licence

- (1) During the Games period, section 25 of the *Liquor Act 1982* 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.
- (2) Nothing in this section limits the application of section 9 of the *Liquor and Registered Clubs (Olympic and Paralympic Games) Act 1999*.

9 Extension of trading hours for certain liquor licences

- (1) This section applies to licensed premises that are:
- (a) a hotel, or
 - (b) a licensed restaurant (premises to which an on-licence relates where the premises are a restaurant), or
 - (c) a nightclub (premises to which a nightclub licence relates), or
 - (d) premises on which a licensee who holds a caterer's licence provides catering services, or
 - (e) premises to which an on-licence to sell liquor at a function relates, or
 - (f) premises the subject of an on-licence and in respect of which a certificate under section 74A of the *Liquor Act 1982* is in force, or
 - (g) premises the subject of an Australian wine licence (premises to which an on-licence to which Schedule 4 to the *Liquor (Repeals and Savings) Act 1982* applies).
- (2) During the Games period, nothing in Division 3 of Part 3 of the *Liquor Act 1982* restricts the hours during which licensed premises may sell and supply liquor if the licensed premises:
- (a) are within the City of Sydney, or
 - (b) front onto any of the streets or parts of streets specified in Schedule 2 (Kings Cross) or Schedule 3 (Oxford Street—Darlinghurst) to the *Liquor Act 1982* or are situated within an area bounded by those streets or parts of streets.
- (3) During the Games period, nothing in Division 3 of Part 3 of the *Liquor Act 1982* 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:
- (a) Greater Metropolitan Sydney—the cities and other local government areas specified in Schedule 1 to the *Liquor and Registered Clubs (Olympic and Paralympic Games) Act 1999*,

- (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,
 - (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,
 - (d) Central Coast—the City of Gosford and the local government area of Wyong.
- (4) The agreement of a local consent authority for the purposes of subsection (3) may apply to:
- (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
 - (b) such premises referred to in subsection (1), or such class or classes of those premises, as are determined by the local consent authority.
- (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.
- (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.
- (7) This section does not authorise the sale or supply of liquor:
- (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
 - (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

- (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
 - (d) on licensed premises in contravention of a provision of the regulations that reduces the period of extended trading generally or in relation to a specified class or specified classes of licensed premises.
- (8) However, in the case of a section 74A licence, this section does authorise the sale or supply of liquor despite any other condition of the licence that limits the hours during which liquor may be sold or supplied on the premises.
- (9) It is a condition of a licence that liquor must not be sold or supplied on licensed premises to which this section applies under the authority of this section unless:
- (a) practices are in place at the licensed premises that ensure as far as reasonably practicable that liquor is sold, supplied and served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and
 - (b) the licensee has successfully completed a course of training, approved by the Board, that promotes the responsible sale, supply and service of liquor, and
 - (c) food of a nature and quantity consistent with the responsible sale, supply and service of liquor is made available when liquor is being sold, supplied or served on the premises, and
 - (d) the Local Area Commander at the police station nearest to the licensed premises has received the written notification required under subsection (6), and
 - (e) any requirements or restrictions imposed by the regulations are complied with.
- (10) Subsection (9) does not limit or otherwise affect any other conditions to which a licence is subject.
- (11) If an order is made under section 104A or 104C of the *Liquor Act 1982* to require the closure of licensed premises to which this section applies at any time during the Games period, this section ceases to apply to those premises during the Games period.

- (12) This section applies only to authorise the sale or supply of liquor for consumption on the licensed premises concerned.
- (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.

10 University on-licences

- (1) During the period from 1 August 2000 to 1 November 2000, inclusive, subsection (5) of section 23 of the *Liquor Act 1982* 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.
- (2) This section applies only in relation to universities, or those parts of universities, that provide accommodation for Olympic Games technical officials.

11 Vessels

- (1) Despite section 35 of the *Liquor Act 1982*, 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.
- (2) An application:
 - (a) is made by delivering it to the Principal Registrar, and
 - (b) is to be accompanied by a fee of \$50.
- (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.
- (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.
- (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.

- (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.
- (7) An authorisation granted under this section applies only to those waterways comprising, or that are located between, Port Stephens and Jervis Bay.
- (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:
 - (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:
 - (i) the date of the function, and
 - (ii) the place of the function, and
 - (iii) the number of persons attending the function, and
 - (iv) appropriate contact details for the person who is chartering the vessel for the function, and
 - (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
 - (c) all liquor sold and supplied at a function is provided only by the licensee, and
 - (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
 - (e) liquor is sold and supplied only to those persons who are private guests at the function and not to the general public, and
 - (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
 - (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

- (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
 - (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*.

Part 3 Registered Clubs Act 1976

12 Relationship with Registered Clubs Act 1976

- (1) This Part is to be construed with and as if it formed part of the *Registered Clubs Act 1976*.
- (2) In the event of an inconsistency between this Part and the *Registered Clubs Act 1976*, this Part prevails to the extent of the inconsistency.

13 Leasing of club premises

- (1) Nothing in the *Registered Clubs Act 1976* 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.
- (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.
- (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.
- (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.
- (5) Section 30 (3B) of the *Registered Clubs Act 1976* does not prevent a person from being taken to be a temporary member of a registered club in accordance with this section.
- (6) It is a defence to a prosecution for an offence under section 45 of the *Registered Clubs Act 1976* 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.

Part 4 Miscellaneous

14 Nature of functions conferred by this Act

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.

15 Claims for compensation

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:

- (a) the person, or
- (b) the State or an authority of the State, or
- (c) a council (within the meaning of the *Local Government Act 1993*).

16 No liability in nuisance

Anything done or omitted to be done by any person:

- (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
- (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),

does not constitute a nuisance.

17 Enforcement

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.

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

Part 4 Miscellaneous

18 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

19 Expiry of Act

This Act ceases to have effect on 31 December 2000.

Schedule 1 Greater Metropolitan Sydney

(Section 9 (3))

The cities of:

Bankstown	Fairfield	Penrith
Blacktown	Hawkesbury	Randwick
Blue Mountains	Holroyd	Rockdale
Botany Bay	Hurstville	Ryde
Campbelltown	Liverpool	South Sydney
Canterbury	Parramatta	Willoughby

The local government areas of:

Ashfield	Hunters Hill	North Sydney
Auburn	Kogarah	Pittwater
Baulkham Hills	Ku-ring-gai	Strathfield
Burwood	Lane Cove	Sutherland
Camden	Leichhardt	Warringah
Concord	Manly	Waverley
Drummoyne	Marrickville	Wollondilly
Hornsby	Mosman	Woollahra