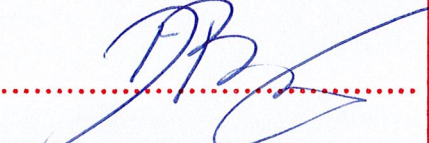


Tabled, by leave, by Graham


AMENDMENT BILL 2023
19 / 10 / 2023

24-HOUR ECONOMY LEGISLATION (VIBRANCY REFORMS) AMENDMENT BILL 2023
STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The specific issues the package seeks to address include streamlining of entertainment sound management, modernisation of liquor licensing, vibrancy in the night-time economy, and support in the planning system for flexible and creative use of public spaces. The intent is to drive continued reform and support for the sector and its participants to experience a vibrant, diverse, accessible and safe going-out economy in NSW, and to reverse a trend of loss of live music venues in the State.

However, encouraging diverse and vibrant venues also requires proportionate measures to encourage compliance with laws that are designed to minimise alcohol-related harm. Therefore, the package also includes enhanced compliance tools to allow for a more targeted approach to non-compliant venues than blanket regulation.

The Bill seeks to amend the *Gaming and Liquor Administration Act 2007*, *Liquor Act 2007* and the *Liquor Regulation 2018* to make miscellaneous amendments to increase the vibrancy of the night-time economy; to make consequential amendments to other legislation; and for related purposes.

The premise for undertaking this package of reforms is a series of election commitments that were made to support a vibrant and diverse 24-hour economy and music sector in NSW. These include: the Plan for NSW Music Scene, Make outdoor dining permanently available, and Strengthen Special Entertainment Precincts.

Legislative amendments are required to implement these reforms.

Objectives: What is the policy's objective couched in terms of the public interest?

The proposed reforms aim to increase the vibrancy of the night-time economy, live performance sector and use of outdoor public spaces for recreation, by encouraging venue operators to launch, grow, adapt and/or expand their businesses by removing unnecessary and modernising outdated regulation, streamlining approval processes, and putting in place a common-sense approach to entertainment noise and sound.

It builds on and complements other work underway across government, including consultation on the 2023 Arts, Culture and Creative Industries Policy and the 2022 Liquor Licensing Reform Discussion Paper.

A fit-for-purpose regulatory ecosystem that is responsive to changing community expectations will support the growth of the night-time economy in NSW and the live music sector, and improve the ability of businesses and communities to make use of public and private assets.

Options: What alternative policies and mechanisms were considered in advance of the bill?

This package of reforms delivers on a series of election commitments. A number of these commitments make explicit reference to implementing specific regulatory changes. As such, limited options analysis was completed.

The Liquor Licensing Reform Discussion Paper released in 2022 canvassed a wide range of options for liquor reform.

Where alternatives were considered (such as campaigns, guidelines and financial incentives), it was concluded that they would likely have minimal effect on the objective to decrease duplication and overlap of regulation, additional cost to government, and overall less significant ongoing contribution to the overall goals to support a vibrant going-out economy.

Analysis: What were the pros/cons and benefits/costs of each option considered?

If the amendments are not made, then overlapping regulation and excessive red tape will continue to disrupt the ability of the hospitality and creative industries to meet their full potential. Addressing the identified regulations within a single packaged amendment Bill, avoids significant time and resources in considering multiple separate amending Bills for each individual reform.

The 2023-24 Budget provided funding of \$31.2 million in 2023-24 for the NSW Government's commitment to the contemporary music sector, including its Plan for NSW Live Music Scene.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The policy has been developed, and its implementation will be monitored, by a cross-government steering committee and working group convened by The Cabinet Office and the Office of the 24-Hour Economy Commissioner, with members comprising Liquor & Gaming NSW, Department of Planning and Environment, Office of Local Government, NSW Health, NSW Police Force, Transport for NSW, Environment Protection Authority, and Sound NSW. The principal amendments to liquor and gaming legislation will be administered by Liquor & Gaming NSW, including a new function as the primary regulator of entertainment sound relating to premises licensed under the *Liquor Act 2007*.

The Bill will be introduced to the NSW Parliament in the week of 17 October 2023.

Changes will need to be made to licensing technology systems and a period of transition will need to occur for changes related to noise regulation. The Government is targeting mid-2024 for these reforms to be fully rolled out.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

Open public consultation was undertaken on the 2023 Arts, Culture and Creative Industries Policy Consultation and the 2022 Liquor Licensing Reform Discussion Paper. Feedback on these consultation papers was considered and incorporated into the policy settings included in the Bill.

Targeted consultation has been undertaken with key external stakeholders through individual and group briefings, including providing relevant draft policy detail to those closely affected. This has included key council and Liquor & Gaming NSW stakeholders on

numerous proposals relating to noise and Liquor Act reforms. Where possible, their feedback has been incorporated into the Bill.

A Steering Committee coordinated internal NSW Government agencies, including the Cabinet Office (co-chair), O24HEC (co-chair), Department of Planning and Environment, L&GNSW, OLG, Transport for NSW, NSW Health and NSWPF. Collaboration has also been undertaken with partner agencies including Department of Customer Service, EPA and Create NSW.