

## Explanatory note

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

### Overview of Bill

The object of this Bill is to impose restrictions on the granting of liquor licences and various other liquor-related authorisations (such as extended trading hour authorisations) in relation to certain premises in central Sydney. The liquor licensing freeze will operate until 24 June 2010 (or a later date prescribed by the regulations) and will extend to applications for liquor licences and other liquor-related authorisations that were made on or after 25 June 2009 but that had not been determined or granted as at the commencement of the proposed Act.

The Bill also provides for a freeze on the granting of development consent under the Environmental Planning and Assessment Act 1979 in relation to those premises that are the subject of the liquor licensing freeze.

### 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 the date of assent to the proposed Act.

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#### Schedule 1 Amendment of Liquor Act 2007 No 90

Schedule 1 [1] inserts provisions to give effect to the liquor licensing freeze described in the above Overview. The licensing freeze will only apply in relation to premises (referred to as subject premises) that are situated in a freeze precinct (see Schedule 1 [4]). The freeze precincts are the CBD South precinct (which includes George Street south of Park Street to Hay Street), the Kings Cross precinct and the Oxford Street, Darlinghurst precinct. The regulations will be able to add or remove a precinct or vary the description of a precinct (see proposed section 47J).

Proposed section 47B provides that certain types of liquor licences must not be granted during the freeze period (these include hotel licences, club licences and packaged liquor licences, eg bottle shops). In the case of certain on-premises licences (such as for a restaurant), the Casino, Liquor and Gaming Control Authority (the Authority) must not grant such a licence if it is satisfied that the granting of the licence is likely to result in an increase in the number of people who enter the relevant freeze precinct principally to consume alcohol.

Proposed section 47C provides that extended trading authorisations (which enable licensed premises to trade past midnight) must not be granted during the freeze period in relation to subject premises or be varied so as to increase the trading hours of subject premises. However, an extended trading authorisation for a special "one off" occasion may be granted during the freeze period in relation to subject premises so long as the authorisation is not likely to result in an increase in the number of people who enter the relevant freeze precinct principally to consume alcohol or an increase in the patron capacity of the premises.

Proposed section 47D provides that the licence conditions applying to subject premises must not be varied or revoked during the freeze period if the variation or revocation would result in an increase in the trading hours of subject premises. In addition, the Authority must not, during the freeze period, take any action to vary or revoke the licence conditions applying to subject premises if that action is likely to result in an increase in the number of people who enter the relevant freeze precinct principally to consume alcohol or an increase in the patron capacity of the premises.

Proposed section 47E provides that an authorisation under section 24 (3) of the Liquor Act 2007 (which, for example, would allow a licensed restaurant to sell liquor otherwise than with a meal) must not be granted during the freeze period for subject premises comprising licensed restaurants or licensed public entertainment venues.

However, such an authorisation may be granted during the freeze period in relation to other types of on-premises licences so long as the authorisation is not likely to result in an increase in the number of people who enter the relevant freeze precinct principally to consume alcohol or an increase in the patron capacity of the premises. Proposed section 47F imposes restrictions on the removal of liquor licences to subject premises during the freeze period. Generally, liquor licences cannot be removed into a freeze precinct. However, certain on-premises licences (such as for a restaurant) may be removed into a freeze precinct so long as the removal is not likely

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to result in an increase in the number of people who enter the freeze precinct principally to consume alcohol or an increase in the patron capacity of the premises. This test will also apply in relation to the removal of liquor licences between premises that are situated in the same freeze precinct.

Proposed section 47G provides that the boundaries of subject premises must not be changed during the freeze period if the boundary change is likely to result in an increase in the number of people who enter the relevant freeze precinct principally to consume alcohol or an increase in the patron capacity of the premises.

Proposed section 47H prevents the Director-General of Communities NSW, during the freeze period, from imposing conditions on licences held in respect of subject premises, or from varying or revoking any such conditions, if that action is likely to result in an increase in the number of people who enter the relevant freeze precinct principally to consume alcohol or an increase in the patron capacity of the premises.

Proposed section 47I provides that development consent under the Environmental Planning and Assessment Act 1979 must not be granted during the freeze period for the carrying out of development on premises that are subject to the liquor licensing freeze. The proposed development consent freeze will initially only apply in relation to premises that are situated in one of the 3 central Sydney precincts initially caught by the liquor licensing freeze and will only apply in relation to other premises if the precinct in which those premises are situated is listed in Part 1 of proposed Schedule 5.

Proposed section 47J enables the regulations to impose restrictions on the granting or determination of licences or other matters that are not otherwise dealt with under the proposed Division being inserted by the proposed Act (including the extension of the development consent freeze in certain circumstances). The regulations may also create exceptions to the proposed Division (including exceptions to the development consent freeze).

Schedule 1 [2] enables regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [3] provides that the liquor licensing freeze provisions will apply to applications under the Liquor Act 2007 that were made on or after 25 June 2009 but not granted or determined as at the commencement of the proposed Act. Applications that were made before 25 June 2009 (but that are still pending as at the commencement of the proposed Act) are not affected by the freeze. Provision is also made for the Crown not to be liable for any damages or compensation as a consequence of the enactment of the proposed Act or the operation of the amendments made by it.