

c2020-214C
OPP--OPPOSITION

LEGISLATIVE COUNCIL

Liquor Amendment (24-hour Economy) Bill 2020

Second print

Proposed amendments

No. 1 **Liquor deliveries to intoxicated persons**

Page 29, Schedule 3.1, proposed section 114J as amended in committee. Insert the following after line 4—

- (1A) It is a defence to a prosecution under subsection (1) for the person who delivered the liquor if it is proved that at the time of the alleged offence the person did not know, and could not reasonably be expected to have known, that the person was delivering liquor.

Example. A courier delivers a package on behalf of an interstate retailer and is unaware the delivery includes liquor.

No. 2 **Meaning of dedicated live music and performance venue**

Page 34, Schedule 4.1, proposed section 3A as inserted in committee. Omit the proposed section. Insert instead—

3A Meaning of dedicated live music and performance venue

For the purposes of this Act, a *dedicated live music and performance venue* means licensed premises that are on a list of live music and performance venues—

- (a) kept by the Secretary for the purposes of this section in accordance with the regulations, and
(b) published on an appropriate government website.

No. 3 **Special provisions relating to COVID-19 pandemic**

Page 39, Schedule 4.1, proposed section 163 as inserted in committee. Insert the following at the end of proposed section 163 with the heading “**Purpose**”—

- (2) It is intended that this Part operate in addition to the *Roads Act 1993*, Part 9, Division 1, which also provides for the use of roads for food or drink premises.
(3) However, to the extent of any inconsistency between this Part and the *Roads Act 1993*, Part 9, Division 1, this Part prevails during the period of the COVID-19 pandemic.

No. 4 **Meaning of dedicated live music and performance venue**

Page 46, Schedule 4.2. Insert after line 39—

[19A] Clause 130AA

Insert before clause 130—

130AA Dedicated live music and performance venues

- (1) For the purposes of section 3A of the Act, the Secretary may include licensed premises on the list of live music and performance venues if the licensed premises—
 - (a) are a music hall, concert hall, dance hall or other space used primarily for the purpose of live music, live performances or creative or other cultural uses and are licensed under an on-premises licence for a public entertainment venue, or
 - (b) were used to host live music as part of the Great Southern Nights music event.
- (2) The Secretary may decide not to include licensed premises mentioned in subclause (1) on the list of live music and performance venues if the premises—
 - (a) are premises for which the licensee —
 - (i) has been liable for compliance history risk loading under clause 11 within the last 2 assessment years, or
 - (ii) will be liable to pay compliance history risk loading in the next assessment year, or
 - (b) comprise a karaoke bar, or
 - (c) are premises that are used primarily to provide adult entertainment of a sexual nature.
- (3) The Secretary may, at any time, remove licensed premises from the list of live music and performance venues if the Secretary is satisfied—
 - (a) the premises are, or have become, premises mentioned in subclause (2)(a)—(c), or
 - (b) the premises do not, or no longer, have a market orientation towards live music, live performances or other creative or cultural uses.
- (4) Before publishing a list of live music and performance venues that omits licensed premises that were previously included in the list, the Secretary must give the licensee or manager of the premises written notice that the licensed premises are to be removed from the list.
- (5) In this clause—

assessment year has the meaning given by clause 8.

Great Southern Nights music event means the NSW Government initiative, delivered by Destination NSW in partnership with the Australian Recording Industry Association, to stimulate the revival of the live music and entertainment sectors in the recovery phase of COVID-19.

Note. Information about the Great Southern Nights music event is available at www.greatsouthernights.com.au.

list of live music and performance venues means the list published by the Secretary under section 3A(b) of the Act.