



New South Wales

Liquor Amendment (Right to Play Music) Bill 2020

Explanatory note

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

Overview of Bill

The objects of this Bill are—

- (a) to amend the *Liquor Act 2007* to prevent licence conditions restricting or prohibiting music, and
- (b) to provide that when designating premises as a high risk venue, the Secretary must not take into account the presence of a dance floor or area ordinarily used by patrons for dancing, and
- (c) to require the Independent Liquor and Gaming Authority constituted under the *Gaming and Liquor Administration Act 2007* to consider the availability of employment opportunities for musicians in exercising its functions, and
- (d) to amend the *Environmental Planning and Assessment Act 1979* to enable a council to publish a notice to modify conditions by declaring that conditions of development consents that restrict or prohibit music at licensed premises do not apply.

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.

Schedule 1 Amendment of Liquor Act 2007 No 90

Schedule 1[1] provides that a condition of a licence relating to music has no effect if the condition is a restriction or a prohibition relating to music being played, genres of music that may be played, the number of musicians that may play, the type of instrument that may be played, the type of music that may be played, the amplification of an instrument, the direction of a stage, the decorations that may be used at a venue or the use of a dance floor.

Schedule 1[2] provides that when designating licensed premises as high risk, the Secretary must not take into account the presence of a dance floor or an area ordinarily used by patrons for dancing.

Schedule 1[3] requires the Independent Liquor and Gaming Authority constituted under the *Gaming and Liquor Administration Act 2007* to consider the availability of employment opportunities for musicians in exercising its functions under the *Liquor Act 2007*, the *Gaming and Liquor Administration Act 2007* or the *Registered Clubs Act 1976*.

Schedule 2 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 2 provides that a consent authority that is a council may modify the conditions of a development consent relating to the performance of music on licensed premises by publishing a notice on the council's website. The council may declare that the conditions do not apply to a local government area, a specified use of land in the local government area, or a suburb in the local government area. The notice is taken to have effect on the day the notice is published, or on a later date specified by the notice.