

Explanatory note

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

Overview of Bill

The object of this Bill is to give effect to certain measures set out in the Government's action plan entitled "Hassle Free Nights". For that purpose, the Bill:

(a) provides for the establishment and implementation of precinct liquor accords (which will operate on an on-going basis in precincts designated by the Director-General of Communities NSW) and community event liquor accords (which will operate on a temporary basis in relation to community events designated by the Director-General), and

(b) enables any such liquor accord to include measures to minimise or prevent alcohol-related violence or harm in, or to protect and support the good order or amenity of, the precinct or area to which the liquor accord applies, and

(c) enables the Director-General to impose licence conditions requiring licensees to participate in a precinct or community event liquor accord and, in the case of a precinct liquor accord, also enables the Director-General to require licensees to pay contributions towards the costs associated with the operation of the accord, and

(d) enables the Director-General to impose licence conditions affecting the trading hours of any licensed premises, and

(e) extends, for a further period of 12 months, the freeze on the granting of liquor licences and various other liquor-related authorisations and development consents in relation to certain premises in central Sydney, and

(f) enables police officers and local council employees authorised by the Commissioner of Police to confiscate alcohol from persons who are drinking in a public place (such as a public park) that is situated in the precinct or area to which a precinct or community event liquor accord applies and in which the drinking of alcohol is prohibited under the *Local Government Act 1993* by a local council, and

(g) makes other amendments of a consequential or minor nature.

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

Precinct liquor accords and community event liquor accords

Schedule 1 [20] provides for the approval by the Director-General of Communities NSW of precinct liquor accords and community event liquor accords. These liquor accords may contain measures to minimise or prevent alcohol-related violence or to protect or support the good order and amenity of the relevant precinct or area to which the accord applies and may involve the participation of a variety of stakeholders. The Director-General will be able to designate precincts to which a precinct liquor accord is to apply and such an accord will operate until terminated by the Director-General. A community event liquor accord will not be precinct-based but rather will apply in relation to a particular event that might require the implementation of liquor accord measures in more than one area. In either case, the Director-General will be able to require licensees in the relevant precinct or area to participate in (which includes comply with) the relevant liquor accord. The Director-General will also be able, in the case of a precinct liquor accord, to direct the licensee to contribute to the costs associated with the operation of the accord. The amendment made by **Schedule 1 [22]** provides that a direction by the Director-General to contribute to the costs of a precinct liquor accord is reviewable by the Casino, Liquor and Gaming Control Authority (*the Authority*). **Schedule 1 [23]** provides that the Authority can, on review, vary or revoke the direction only if

the amount of the contribution was not determined in accordance with the relevant precinct liquor accord.

Schedule 1 [1], [2], [9], [10] and [12]–[19] are consequential on the insertion of provisions relating to precinct and community event liquor accords. In particular, certain provisions that currently apply to local liquor accords are extended to precinct and community event liquor accords.

Licence conditions imposed by Director-General

Schedule 1 [4] enables the Director-General of Communities NSW to impose licence conditions that affect the trading hours of licensed premises (such conditions may currently be imposed by the Director-General but only as the result of a disturbance complaint).

Schedule 1 [5] enables the Director-General to vary or revoke licence conditions that have previously been imposed by the Authority if the condition relates to the trading hours of licensed premises or relates to licensed premises situated in the precinct or area to which a precinct or community event liquor accord applies.

Schedule 1 [6] makes it clear that the Director-General is not required to give a licensee the opportunity to make submissions on a proposed variation or revocation by the Director-General of a licence condition if the Director-General is making the variation or revocation on the application of the licensee.

Schedule 1 [7], [8] and [21] are consequential on the amendments made by Schedule 1 [4] and [5].

Miscellaneous amendments

Schedule 1 [3] extends, to 24 June 2011, the period during which the granting of liquor licences and other liquor-related authorisations (including development consents) is restricted in relation to certain premises in central Sydney.

Schedule 1 [11] makes it clear that the power under section 77 of the Liquor Act 2007 to turn people out of licensed premises does not limit any other right a person may have to refuse to admit a person to, or to turn a person out of, licensed premises.

Schedule 1 [24] enables regulations of a savings or transitional nature to be made as a consequence of the proposed Act.

Schedule 2 Amendment of Local Government Act
1993 No 30

Schedule 2 authorises police officers and local council employees authorised by the Commissioner of Police to confiscate alcohol from persons who are drinking in a public place (such as a public park) that is situated in the precinct or area to which a precinct or community event liquor accord applies and in which the drinking of alcohol is prohibited by a local council by a notice under section 632 of the Local Government Act 1993. The power to confiscate alcohol from persons drinking in such places includes the power to tip out the alcohol from the thing in which the alcohol is contained. A similar confiscation and tip out power currently applies in relation to alcohol-free zones (but these existing powers only apply in relation to street drinking).