



New South Wales

Liquor Amendment (Small Bars) Bill 2013

Explanatory note

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

Overview of Bill

The object of this Bill is to provide for a new type of liquor licence for small bars. A small bar licence will authorise the licensee to sell liquor by retail on the licensed premises in accordance with the following conditions:

- (a) liquor must be consumed on the licensed premises (that is, bottle shop or take-away sales are prohibited),
- (b) liquor can be sold only if there are no more than 60 people on the premises,
- (c) the small bar must be open to the general public,
- (d) food must be available at the small bar.

In addition, gaming machines will not be permitted to operate on the premises.

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 a day or days to be appointed by proclamation.

Schedule 1 Amendment of Liquor Act 2007 No 90

Schedule 1 [1] updates the definition of *extended trading authorisation* to include such authorisations for small bars.

Schedule 1 [2] inserts a definition of *small bar* (the premises to which a small bar licence relates).

Schedule 1 [3] includes small bar licences in the types of licences that can be issued.

Schedule 1 [4] provides that the standard trading period for a small bar is the period from noon to midnight on any day of the week. **Schedule 1 [5]** makes a consequential amendment.

Schedule 1 [6] inserts provisions about small bar licences. Proposed section 20A provides that a small bar licence authorises the licensee to sell liquor by retail on the licensed premises for consumption on the licensed premises only. Proposed section 20B specifies the trading hours for small bars. Proposed section 20C imposes conditions on small bar licences, namely that the maximum number of patrons is 60, that small bars must be open to the general public and that food must be available.

Schedule 1 [7] provides that existing provisions about the temporary freeze on licences do not apply to small bars.

Schedule 1 [8] and [9] extend provisions about the requirement for community impact statements to applications relating to small bars.

Schedule 1 [10] specifies when a small bar application is not required to be accompanied by a community impact statement.

Schedule 1 [11] and [12] provide for late trading for small bars.

Schedule 1 [13] makes it an offence for a minor to enter or remain in a small bar during trading hours.

Schedule 1 [14] and [15] make it an offence for a licensee to allow a minor to enter or remain in a small bar during trading hours.

Schedule 1 [16] requires that a minor be refused entry to a small bar.

Schedule 1 [17] provides for the making of savings and transitional regulations consequent on any amendment of the *Liquor Act 2007*.

Schedule 1 [18] inserts transitional provisions relating to the conversion of existing general bar licences to small bar licences. It also requires the Minister to review the amendments made by the proposed Act.

Schedule 2 Amendment of other legislation

Schedule 2.1 [1] amends the *Liquor Regulation 2008* to exempt applications for small bar licences, for approval to remove such licences to other premises or for the issue or variation of extended trading authorisations for such licences from the

requirements to notify certain persons of the making of the application. The exemption only applies if development consent is required to use the premises and the local police and the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services have been notified.

Schedule 2.1 [2] makes an application for a small bar licence one for which a category B community impact statement is required.

Schedule 2.1 [3] makes it a condition of a small bar licence that the licensed premises cannot be used to conduct a totalizator or a public lottery.

Schedule 2.1 [4], [6] and [7] omit redundant provisions about small venues and replace references to them with references to small bars.

Schedule 2.1 [5] requires small bars to display notices about the fact that minors are not permitted in such bars during trading hours.

Schedule 2.1 [8] specifies the application fees for small bar licences.

Schedule 2.1 [9] specifies the application fees for authorisations for late trading in small bars.

Schedule 2.1 [10] makes the offence of failing to display a notice about the prohibition of minors an offence that can be dealt with by penalty notice.

Schedule 2.2 provides that the *Retail Trading Act 2008* does not apply to premises in respect of which a small bar licence is in force by reason only of the sale or exposing or offering for sale of liquor.

Schedule 2.3 amends the standard instrument for a local environmental plan to include small bars within the definition of *food and drink premises* in that standard instrument, and to include a definition of *small bar*.