

Passed by both Houses



New South Wales

Liquor Amendment Bill 1999

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 1999*



New South Wales

Liquor Amendment Bill 1999

Act No , 1999

An Act to amend the *Liquor Act 1982* to provide for community liquor licences and to make further provision for liquor trading hours, nightclubs, restaurants, caterer's licences, retail liquor licences, proof of age, penalties and miscellaneous matters; and for other purposes.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Liquor Amendment Act 1999*.

2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).
- (2) Schedule 1 [2], [12], [19], [26]–[28], [40], [58]–[61], [63], [64] and [68], and section 3 in its application to those items, commence on the date of assent.

3 Amendment of Liquor Act 1982 No 147

The *Liquor Act 1982* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 4 Definitions

Insert in section 4 (1) in alphabetical order:

community liquor licence means a licence that, subject to this Act and the conditions of the licence, authorises the licensee to sell liquor by retail on the licensed premises, whether or not for consumption on those premises, being a licence that is granted as a community liquor licence.

nightclub licence means a licence that, subject to this Act and the conditions of the licence, authorises the licensee to sell liquor on the licensed premises, but only for consumption on those premises.

restaurant licence means an on-licence relating to a restaurant.

[2] Section 4 (1), definition of “catering services”

Omit “edible refreshments”. Insert instead “food”.

[3] Section 4 (1), definition of “hotelier’s licence”

Insert “, being a licence that is granted as a hotelier’s licence” after “those premises”.

[4] Section 4 (1), definition of “motel”

Omit the definition. Insert instead:

motel has the meaning given by section 4C.

[5] Section 4 (1), definition of “motel licence”

Insert “or nightclub” after “restaurant”.

[6] Section 4 (1), definition of “restaurant restricted period”

Insert “the subject of a restaurant licence” after “licensed premises”.

[7] Section 4C

Insert after section 4B:

4C Motels

(1) In this Act:

motel means premises that provide temporary accommodation to travellers, comprising bedrooms each with en-suite bathing and sanitary facilities, but does not include a hotel, guest-house, boarding house, lodging house, nursing home or caravan park, or any other form of residential accommodation declared by the regulations to not be a motel for the purposes of this Act.

(2) An apartment complex that comprises separately owned apartments providing self-contained accommodation and that is operated to provide motel-style temporary accommodation to travellers is taken to be a motel for the purposes of this Act.

(3) An apartment in such a complex is not taken to be part of the motel if the apartment:

(a) is used as a private residence (and not for the temporary accommodation of travellers), or

(b) is not the subject of the agreement or other arrangement under which apartments in the complex are operated to provide motel-style temporary accommodation.

(4) A restaurant or nightclub that forms part of an apartment complex that is a motel under this section is, if the restaurant or nightclub is managed and operated as part of the complex, taken to form a contiguous part of the motel, for the purpose of enabling the licensed premises of the restaurant or nightclub to be defined to include the motel.

[8] Section 18 Court may grant licences

Insert “is granted as a hotelier’s licence and” after “being a licence that” in section 18 (2) (a).

[9] Section 18 (2) (f)

Insert at the end of section 18 (2) (e):

, or

- (f) a community liquor licence, being a licence that is granted as a community liquor licence and, subject to this Act and the conditions of the licence, authorises the licensee to sell liquor by retail on the licensed premises, whether or not for consumption on those premises.

[10] Section 18 (5D)

Insert after section 18 (5C):

- (5D) A community liquor licence may be granted only to a person on behalf of a non-proprietary association.

[11] Section 21B

Insert after section 21A:

21B Community liquor licence—miscellaneous conditions

- (1) Liquor must not be sold or supplied on premises to which a community liquor licence relates unless:
 - (a) the licensee and each person engaged in the sale, supply or service of liquor on the premises has successfully completed a course of training, approved by the Board, that promotes the responsible sale, supply and service of liquor, and
 - (b) food of a nature and quantity consistent with the responsible sale, supply and service of liquor is made available when liquor is being sold or supplied on the premises.
- (2) The licensee under a community liquor licence must not permit activities on the licensed premises that could encourage misuse or abuse of liquor (such as binge drinking or excessive consumption).
- (3) No person who is intoxicated, or under the age of 18 years, is to be involved in selling, supplying or serving liquor on the licensed premises under a community liquor licence.

[12] Section 23A Caterer's licence—miscellaneous conditions

Omit section 23A (2). Insert instead:

- (2) Liquor is not to be sold or supplied pursuant to a caterer's licence unless:
 - (a) the catering services provided by the licensee include the provision of food of a nature and quantity consistent with the responsible sale, supply and service of liquor and with the type of function, occasion or event at which the licence is being exercised, and
 - (b) that food is provided in conjunction with the sale or supply of liquor so that liquor is sold or supplied and consumed with or as ancillary to the consumption of that food.
- (3) The principal business of the licensee under a caterer's licence, and the principal business of any person or body on whose behalf the licensee holds the licence, must be the business of providing catering services for fee, gain or reward.

[13] Section 23AA Nightclub licence—miscellaneous conditions

Insert after section 23AA (2):

- (3) This section is subject to section 23AD and, in a case where the licensed premises to which a nightclub licence relates are defined to include a motel, is subject to section 35C (7).

[14] Section 23AD Restaurant and nightclub licences—dine-or-drink authority

Omit "an on-licence relating to a restaurant" from section 23AD (1).

Insert instead "a restaurant licence or nightclub licence".

[15] Section 23AD (1)

Insert "or nightclub" after "the restaurant".

[16] Section 23AD (2) (a)

Insert "or nightclub" after "restaurant" wherever occurring.

[17] Section 23AD (6) (c) and (d)

Insert “in the case of a restaurant,” before “prohibit” wherever occurring.

[18] Section 23AD (8)

Insert “to which a restaurant licence is subject” after “dine-or-drink authority”.

[19] Section 23AF

Insert before section 24 (in Division 3 of Part 3):

23AF Special trading hours for millennium celebration period

Liquor may be sold or supplied on licensed premises as permitted by Schedule 6 during the period from Friday 31 December 1999 to Monday 3 January 2000 (both days inclusive), despite any other provision of this Division.

[20] Section 25A

Insert after section 25:

25A Community liquor licence—trading hours

Liquor must not be sold or supplied on premises to which a community liquor licence relates except at the times fixed by the court by an order in force in relation to the licence.

[21] Section 35C Nightclub licence—trading hours

Insert after section 35C (4):

- (5) Liquor may be sold or supplied on premises to which a nightclub licence relates on a Sunday when the following day is a public holiday and the Sunday is not a restricted trading day as if the Sunday were a Saturday (and not a restricted trading day), whether or not the public holiday is a restricted trading day.
- (6) Any variation under section 35D of trading hours of particular licensed premises on a Saturday also applies for the purposes of subsection (5) in the application of that subsection to the licensed premises.

- (7) Where the licensed premises to which a nightclub licence relates are defined to include a motel, liquor may be sold or supplied at any time:
- (a) to a lodger or an inmate, or the guest of a lodger or an inmate, in the bedroom set aside for the accommodation of the lodger or inmate, or in any other part of the licensed premises set aside for the exclusive occupation of lodgers or inmates and their guests, or
 - (b) to an employee of the licensee.
- (8) Where the licensed premises to which a nightclub licence relates are defined to include a motel, liquor may be sold or supplied in a function room forming part of the motel to persons in attendance at a dinner, reception, convention, seminar or the like held by a body or association of persons:
- (a) from any time on a day that is not a Sunday or a restricted trading day to 3 am on the next succeeding day, whether or not that next succeeding day is a Sunday or a restricted trading day, and
 - (b) on any other day—as specified in the relevant provisions of subsections (1)–(3).

[22] Section 37C

Insert after section 37B:

37C Community liquor licence—applicant for licence

An application for a community liquor licence may be made:

- (a) only by a person acting on behalf of, and with the authority of, a non-proprietary association, and
- (b) only if the licence is to be conducted under the auspices of the association, and
- (c) only if the conduct of the licence is in conformity with the association's constitution or any law that governs its activities, and will directly promote specific objects or purposes of the association.

[23] Section 40 Application for conditional grant

Omit section 40 (6) (a) and (b).

Insert instead “any development consent required under the *Environmental Planning and Assessment Act 1979* for the carrying out of the work represented by the plan, or evidence that such consent is not required”.

[24] Section 45 Grounds of objection

Omit “on the ground” wherever occurring in section 45 (6) (a) and (c).

Insert instead “if the licensed premises are a hotel, on the ground”.

[25] Sections 49B and 49C

Insert after section 49A:

49B Grant of community liquor licence

- (1) An application for a community liquor licence may not be granted unless the court is satisfied that:
 - (a) the premises to which the application relates are not within an area referred to in Schedule 5 (Metropolitan areas—dine-or-drink authorities and community liquor licences), and
 - (b) the premises to which the application relates have proper facilities available for the sale, supply and consumption of liquor, and
 - (c) there is no hotel operating in or in the vicinity of the neighbourhood that will be served by the community liquor licence, due to a hotel ceasing to operate or the removal of a hotel licence to premises outside the neighbourhood, and
 - (d) there is no venue in or in the vicinity of the neighbourhood that will be served by the community liquor licence that provides the facilities proposed to be provided under the community liquor licence, and
 - (e) there is support in the community for the grant of the licence, and

(f) the granting of the application will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the premises to which the application relates.

(2) An application to remove a community liquor licence must not be granted unless the court is satisfied that the removal is to a place within the neighbourhood of the premises from which it is proposed to remove the licence.

49C Grant of off-licence (retail)

(1) An application for, or to remove, an off-licence to sell liquor by retail that relates to a business whose primary purpose is not the sale of liquor may only be granted if the court is satisfied that:

- (a) the sale of liquor under the licence will take place in an area of the premises (*the liquor sales area*) that is adequately separated from other areas of the premises in which other activities are carried on, and
- (b) the principal activity to be carried on in the liquor sales area will be the sale of liquor.

(2) An application for, or to remove, an off-licence to sell liquor by retail that relates to a convenience store or service station may not be granted unless the court is satisfied that:

- (a) in the neighbourhood of the premises to which the application relates, no other take-away liquor service is reasonably available to the public, and
- (b) the grant of the licence would not encourage drink-driving or other liquor-related harm.

(3) In this section:

convenience store means a building or place having a retail floor area of not more than 240 square metres used for the purpose of selling, exposing or offering for sale by retail principally groceries, smallgoods and associated small items which is open for business in the interests of public convenience at hours beyond the normal trading hours of a general shop (other than a small shop) as prescribed under the *Factories, Shops and Industries Act 1962*.

service station means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products whether or not the building or place is also used for the sale by retail of any other products.

[26] Section 53 Grant of on-licence (restaurant) and associated matters

Omit section 53 (1) (a). Insert instead:

- (a) the court is satisfied that the premises to which the application relates are, or are to be, operated as a bona fide restaurant, and

[27] Section 53 (3) (c)

Omit “and will not be available for use by other persons during those hours”.

[28] Section 54B Grant of caterer’s licence

Omit section 54B (1) (a). Insert instead:

- (a) the principal business of the applicant, and the principal business of any person or body on whose behalf the applicant will hold the licence, is or is proposed to be that of providing catering services for fee, gain or reward, and

[29] Section 54BA Grant of nightclub licence

Insert after section 54BA (1):

- (1A) Where a nightclub licence is granted in relation to a nightclub that forms a contiguous part of a motel that contains not less than the prescribed number of bedrooms of a good standard each of which has separate sanitary and bathing facilities, the court may define the licensed premises to include the motel.

[30] Section 54BA (6)

Insert after section 54BA (5):

- (6) An application for the endorsement of a nightclub licence with a dine-or-drink authority or to remove a licence endorsed with such an authority is not to be granted unless the court is satisfied that:

- (a) the granting of the application would not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the premises to which the application relates, and
- (b) practices are or will be in place and will remain in place at the premises that ensure as far as reasonably practicable that liquor is sold, supplied and served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and
- (c) the primary purpose of the premises when entertainment is not being provided is to be a restaurant and the premises will at all relevant times be operated consistently with that primary purpose, and
- (d) the premises have the proper facilities for a restaurant, including facilities to support that primary purpose and facilities for the sale, supply and consumption of liquor, and
- (e) practices are or will be in place and will remain in place at the premises that ensure that no more than 30 per cent of the seated dining positions available when the premises are being operated as a restaurant will be allocated to persons not dining at the premises.

[31] Section 56 Fee for grant of licence

Insert after section 56 (1) (a):

- (a1) in the case of a community liquor licence—\$500,

[32] Section 56 (1) (m5)

Insert after section 56 (1) (m4):

- (m5) in the case of a nightclub licence for licensed premises that include a motel—the fee that would have been payable under paragraph (m2), (m3) or (m4) if the premises had not included a motel, together with such fee, not exceeding \$4,000, as is fixed by the Board for the licence,

[33] Section 56 (9) (a) (i) and (ii)

Insert “(if the authority has been endorsed on a restaurant licence)” after “is not” wherever occurring.

[34] Section 56 (9) (a) (iii)

Omit “on-licence”. Insert instead “licence”.

[35] Section 56 (9) (b) and (c)

Omit “for premises” wherever occurring.
Insert instead “for licensed restaurant premises”.

[36] Section 56 (9) (d)

Insert after section 56 (9) (c):

- (d) No fee is payable for the endorsement of a dine-or-drink authority on a nightclub licence.

[37] Section 56B

Insert after section 56A:

56B Annual fee for community liquor licence

- (1) A fee of \$50 is payable in respect of a community liquor licence on or before 31 March (*the due date*) in each calendar year for which the licence is in force. The licence is cancelled if the fee is not paid by the due date.
- (2) Application can be made to the court for the reinstatement of a community liquor licence cancelled by the operation of this section. The application can only be made by the licensee or a person acting on behalf of and with the authority of the non-proprietary association concerned, and must be made within 2 months after the cancellation of the licence.
- (3) The court may order reinstatement of the licence but only if satisfied that there is a reasonable explanation for the failure to pay the fee that resulted in cancellation of the licence.
- (4) The reinstatement of a licence does not take effect until the unpaid fee is paid.

[38] Section 68 Grounds for complaint

Omit “or” from section 68 (1) (i).

[39] Section 68 (1) (j)

Omit “an on-licence relating to a restaurant”.
Insert instead “a licence”.

[40] Section 68 (1) (k)

Insert at the end of section 68 (1) (j):

, or

- (k) in the case of a caterer’s licence—that the principal business of the licensee under that licence, or the principal business of any person or body on whose behalf the licensee holds the licence, is not the business of providing catering services for fee, gain or reward.

[41] Section 90 Boundaries of licensed premises

Insert “or a nightclub licence” after “relating to a restaurant” in section 90 (2).

[42] Section 90 (2)

Insert “or nightclub” after “the restaurant”.

[43] Section 101 Control of licensed premises

Omit “services” from section 101 (8) (c).
Insert instead “gaming or liquor-related services (as defined in subsection (9))”.

[44] Section 101 (9)

Insert after section 101 (8):

- (9) In subsection (8), *gaming or liquor-related services* means such services with respect to the sale or supply of liquor or the keeping, use, operation or promotion of the use of approved gaming devices as may be prescribed by the regulations for the purposes of this subsection.

[45] Section 102 Directions concerning premises to which dine-or-drink authority relates

Omit “an on-licence” from section 102 (1).
Insert instead “a licence”.

[46] Section 116A Offences by minors in hotels, nightclubs and restaurants

Omit “on premises” from section 116A (5).
Insert instead “on the premises of a licensed restaurant”.

[47] Section 116A (6)

Insert after section 116A (5):

- (6) A minor who for any purpose enters or remains on premises to which a community liquor licence relates while the premises are open for the sale or supply of liquor is guilty of an offence against this Act unless the minor does so in the company and immediate presence of a responsible adult.

Maximum penalty: 10 penalty units.

[48] Section 116B Offences by licensees in relation to minors

Insert “of a licensed restaurant” after “premises” in section 116B (1) (d) and (2) (d) wherever occurring.

[49] Section 116B (1) (e)

Insert at the end of section 116B (1) (d):

or

- (e) enters premises to which a community liquor licence relates while the premises are open for the sale or supply of liquor but is not in the company and immediate presence of a responsible adult,

[50] Section 116B (2) (e)

Insert at the end of section 116B (2) (d):

or

- (e) is on premises to which a community liquor licence relates while the premises are open for the sale or supply of liquor but is not in the company and immediate presence of a responsible adult,

[51] Section 116B (3) (a)

Insert “entered the premises to which the community liquor licence relates,” after “hotel,”.

[52] Section 116B (3) (b)

Insert “on the premises to which the community liquor licence relates,” after “hotel,”.

[53] Section 116C Notices to be displayed

Insert after section 116C (3A):

- (3B) A holder of a community liquor licence is guilty of an offence against this Act unless there is continuously displayed a notice in the prescribed form that relates to the presence of minors on the premises.

[54] Section 116C (4)

Omit “subsection (1), (3) or (3A)”. Insert instead “this section”.

[55] Section 116D Offence by adult accompanying minor

Insert “or on premises to which a community liquor licence relates while the premises are open for the sale or supply of liquor” after “relates”.

[56] Sections 117EA–117ED

Insert after section 117E:

117EA Meaning of “proof of age card”

In sections 117EB–117ED:

proof of age card means a “proof of age” card issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth or of some other State or Territory.

117EB Manufacturing false proof of age cards

- (1) A person must not make a false document that could reasonably be taken to be a proof of age card with the intent that the document be used by any person as a proof of age card for the purposes of this Act or the *Registered Clubs Act 1976*.

Maximum penalty: 20 penalty units.

- (2) A person (*the offender*) must not give to another person a false document that could reasonably be taken to be a proof of age card with the intent that the document be used by any person as a proof of age card for the purposes of this Act or the *Registered Clubs Act 1976*, if the offender knows or could reasonably be expected to know that the document is false.

Maximum penalty: 20 penalty units.

- (3) A person is guilty of an offence under this subsection if the person commits an offence under subsection (1) or (2) in circumstances of aggravation.

Maximum penalty: 50 penalty units.

- (4) For the purposes of this section, a person commits an offence in circumstances of aggravation if:

- (a) the offence involved a high degree of planning, or
- (b) the offence involved the use of other people acting at the direction of the person convicted of the offence in the commission of the offence, or
- (c) the person committed the offence solely or principally for financial reward, or

- (d) the offender has a previous conviction for an offence under this section.

117EC Giving or lending proof of age cards

A person must not give or lend the person's proof of age card to another person, if the person giving or lending the card knows or could reasonably be expected to know that the card may be used:

- (a) as a proof of age card for the purposes of this Act, or the *Registered Clubs Act 1976*, by the person to whom the card was given or lent, or by any other person, or
- (b) to obtain a proof of age card for the person to whom the card was given or lent, or any other person, for the purposes of this Act or the *Registered Clubs Act 1976*.

Maximum penalty: 20 penalty units.

117ED Tampering with proof of age cards

A person must not for an improper purpose wilfully or negligently alter, deface, or otherwise interfere with a proof of age card or with any of the material particulars contained on the card.

Maximum penalty: 20 penalty units.

[57] Section 117H

Insert after section 117G:

117H Minors passing through restricted area of hotel

- (1) It is a sufficient defence to a prosecution for an offence arising under section 116A, 116B or 117B in relation to a minor entering or being or remaining in a restricted area in a hotel if it is established that the minor:
 - (a) was present in the restricted area only for so long as was reasonably necessary to pass through it in order conveniently to gain access to another area of the hotel that the minor may enter without contravening this Act, and

(b) was at all times while in the restricted area in the company and immediate presence of a responsible adult.

(2) The defence provided by this section is in addition to any other available defence.

[58] Section 121 Unauthorised sale of liquor by licensee

Omit “10 penalty units”. Insert instead “50 penalty units”.

[59] Section 122 Sale of liquor without licence

Omit “10 penalty units” wherever occurring.
Insert instead “50 penalty units”.

[60] Section 123 Unlicensed premises

Omit “10 penalty units” from section 123 (1).
Insert instead “50 penalty units”.

[61] Section 123 (2)

Omit “5 penalty units”. Insert instead “20 penalty units”.

[62] Section 152A Confiscation of proof of age cards

Omit section 152A (2). Insert instead:

(2) In this section:

proof of age card means a “proof of age” card issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth or of some other State or Territory.

[63] Schedule 1 Savings and transitional provisions

Insert at the end of clause 1 (1):

Liquor Amendment Act 1999

[64] Schedule 1, Part 16

Insert at the end of Schedule 1:

Part 16 Liquor Amendment Act 1999

77 Definition

In this Part, *amending Act* means the *Liquor Amendment Act 1999*.

78 Caterer's licences—principal business

Sections 23A (3) and 68 (1) (k) do not apply in respect of a licence in force immediately before the commencement of those provisions, for 2 years after that commencement.

79 Pending applications for caterer's licences

Section 54B (1) (a), as substituted by the amending Act, extends to an application for a caterer's licence that is pending as at the date of commencement of that substitution.

80 Existing hotelier's licences

A hotelier's licence in force immediately before the commencement of the amendment made by the amending Act to the definition of hotelier's licence in section 4 (1), is taken to have been granted as a hotelier's licence.

81 Annual community liquor licence fee

No annual fee is payable under section 56B in the year 2000.

[65] Schedules 4 and 5

Omit "Sydney Statistical Subdivision" wherever occurring.
Insert instead "Sydney Statistical Division".

[66] Schedule 5

Omit the heading to the Schedule. Insert instead:

**Schedule 5 Metropolitan areas—dine-or-drink
authorities and community liquor
licences**

[67] Schedule 5

Omit “(Section 56 (9))”. Insert instead “(Sections 49B (1), 56 (9))”.

[68] Schedule 6

Insert after Schedule 5:

**Schedule 6 Special trading hours for millennium
celebration period**

(Section 23AF)

1 Licensed premises to which Schedule applies

This Schedule applies to licensed premises that are:

- (a) a hotel, or
- (b) premises to which an on-licence relates where the premises are a restaurant (*a licensed restaurant*), or
- (c) premises to which a nightclub licence relates (*a nightclub*), or
- (d) premises to which an on-licence to which Schedule 4 to the *Liquor (Repeals and Savings) Act 1982* applies (*an Australian wine licence*), or
- (e) premises the subject of a Governor’s licence, or
- (f) premises the subject of an on-licence and in respect of which a certificate under section 74A is in force (*a section 74A licence*).

2 Extended trading hours

- (1) Liquor may be sold or supplied on licensed premises to which this Schedule applies from the normal opening time of the premises on Friday 31 December 1999 to the normal closing time of the premises on Monday 3 January 2000.
- (2) Premises that are open for the sale or supply of liquor under this Schedule must be closed for the sale or supply of liquor for at least 1 hour between 3 am and 7 am on each of Saturday 1, Sunday 2 and Monday 3 January 2000.
- (3) The regulations may reduce the period specified in subclause (1) either generally or in respect of a particular class or classes of licensed premises.
- (4) The *normal opening time* of licensed premises on a day is the earliest time on that day at which liquor could (apart from this Schedule) lawfully be sold or supplied on the premises, and the *normal closing time* of premises on a day is the latest time on that day at which liquor could (apart from this Schedule) lawfully be sold or supplied on the premises.

3 Extended hours apply only for consumption on the premises

- (1) This Schedule applies only to authorise the sale or supply of liquor for consumption on the licensed premises concerned.
- (2) In the case of a licence that authorises the sale or supply of liquor for consumption off the licensed premises, this Schedule does not affect the hours during which liquor may be sold or supplied for consumption off the licensed premises.

4 Effect on trading hours licence conditions

- (1) This Schedule does not authorise the sale or supply of liquor on the licensed premises of a hotel, licensed restaurant, nightclub or Australian wine licence in contravention of any condition of the licence imposed or varied by the court or the Board that limits the hours during which liquor may be sold or supplied on the premises.

- (2) This Schedule does not authorise the sale or supply of liquor on the licensed premises of a Governor's licence or section 74A licence in contravention of a condition of the licence imposed or varied under section 69, 104 or 143A that limits the hours during which liquor may be sold or supplied on the premises.
- (3) However, in the case of a Governor's licence or section 74A licence, this Schedule does authorise the sale or supply of liquor despite any other condition of the licence that limits the hours during which liquor may be sold or supplied on the premises.

5 Extended trading hours subject to development consent conditions

This Schedule does not authorise the sale or supply of liquor on licensed premises in contravention of any condition of a development consent under the *Environmental Planning and Assessment Act 1979*.

6 Special conditions of extended trading hours

- (1) It is a condition of a licence that liquor must not be sold or supplied on the licensed premises under the authority of this Schedule unless:
 - (a) practices are in place at the licensed premises that ensure as far as reasonably practicable that liquor is sold, supplied and served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and
 - (b) the licensee has successfully completed a course of training, approved by the Board, that promotes the responsible sale, supply and service of liquor, and
 - (c) food of a nature and quantity consistent with the responsible sale, supply and service of liquor is made available when liquor is being sold or supplied on the premises, and
 - (d) arrangements are in place at the licensed premises that will ensure the safe conduct of the premises and that there will be no undue disturbance to the quiet and good order of the neighbourhood, and

- (e) the officer in charge of the police station nearest the licensed premises has been informed before 20 December 1999 of the details of the arrangements referred to in paragraph (d) and of the times that the licensed premises will be open and closed for the sale or supply of liquor during the period authorised by this Schedule, and
 - (f) a notice indicating the times that the licensed premises will be open and closed for the sale or supply of liquor during the period authorised by this Schedule is to be prominently displayed during that period at each public entrance to the licensed premises, and
 - (g) any requirements or restrictions imposed by the regulations are complied with.
- (2) This clause does not limit or otherwise affect any other conditions to which a licence is subject.

7 Reduction of trading hours application

- (1) The court may at any time on the application of the Director, the Commissioner of Police or the local consent authority reduce the trading hours authorised under this Schedule in respect of the licensed premises that are the subject of the application.
- (2) An application can relate to individual licensed premises or to a group or groups of licensed premises.

8 Director or Commissioner of Police may give directions

- (1) The Director or the Commissioner of Police may give such directions to the licensee or manager of licensed premises as the Director or the Commissioner considers appropriate in the public interest, or (without limitation) for the purpose of minimising harm associated with misuse and abuse of liquor, if the Director or Commissioner believes on reasonable grounds that the direction is warranted having regard to:
 - (a) the manner in which the licensed premises are conducted, or
 - (b) the behaviour of patrons of the licensed premises.

- (2) When a direction is given under this clause, it is a condition of the licence concerned that liquor must not be sold or supplied on the licensed premises under the authority of this Schedule unless the licensee or manager complies with the direction.
- (3) The Director or Commissioner of Police (as appropriate) may revoke or vary a direction given under this clause.
- (4) A direction under this clause may be given, varied or revoked orally or in writing.