

LIQUOR (AMENDMENT) BILL 1990

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:

Registered Clubs (Amendment) Bill 1990;
Local Government (Liquor) Amendment Bill 1990.

The objects of this Bill are:

- (a) to provide for the appointment of a Director of Liquor and Gaming; and
- (b) to enable the Minister, the Commissioner of Police and the Director to delegate functions conferred and imposed on them by the Liquor Act 1982;
- (c) to abolish the offices of Superintendent of Licences, Metropolitan licensing inspector and licensing inspector and to confer their functions on the Commissioner of Police; and
- (d) to confer certain functions on the Director and the Principal Registrar of the Licensing Court; and
- (e) to avoid duplication of certain functions of various authorities in determining the standard of licensed premises; and
- (f) to prohibit a licensee from providing credit on the licensed premises by way of a cash advance.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 gives effect to the Schedules of proposed amendments to the Principal Act.

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Clause 4 gives effect to the transitional provisions proposed by Schedule 4.

**SCHEDULE 1 - AMENDMENTS RELATING TO THE
DIRECTOR AND DELEGATIONS**

Schedule 1 (1) makes a consequential amendment.

Schedule 1 (2) provides for new sections 6A and 6B of the Principal Act. Proposed section 6A would create the position of Director of Liquor and Gaming. Proposed section 6B would enable the Minister, the Commissioner of Police and the Director to delegate the respective functions conferred and imposed on them by the Principal Act.

**SCHEDULE 2 - AMENDMENTS RELATING TO THE FUNCTIONS OF
THE POLICE FORCE AND OTHERS**

The amendments proposed by Schedule 2 would:

- (a) repeal so much of the Principal Act as relates to the appointment of a Superintendent of Licences, a Metropolitan licensing inspector, and licensing inspectors (Schedule 2 (11)); and
- (b) confer and impose on the Commissioner of Police (and, in some cases, the Director) the functions at present exercised under the Principal Act by the holders of the offices abolished as referred to in paragraph (a) (Schedule 2, except items (5) (a), (7) (b) and (11)); and
- (c) add the Director (instead of the Principal Registrar of the Licensing Court) to the persons entitled to object to an application made under the Principal Act (Schedule 2 (5) (a)); and
- (d) add the Director (instead of the Principal Registrar) to the persons entitled to institute disciplinary proceedings against a licensee (Schedule 2 (7) (b)); and
- (e) enable the Principal Registrar to issue a summons to answer a complaint instituting disciplinary proceedings against a licensee (Schedule 2 (7) (d)); and
- (f) result in uniformity in the manner of expressing the powers of entry conferred by the Principal Act and the Registered Clubs Act 1976 (Schedule 2 (12) and (13)).

SCHEDULE 3 - AMENDMENTS RELATING TO PREMISES

Schedule 3 (1) would require a conditional application for removal of a licence to other premises, or for the erection of, or additions or alterations to, licensed premises to be accompanied by appropriate plans approved under the Local Government Act 1919 and, if required, a development consent under the Environmental Planning and Assessment Act 1979.

Schedule 3 (2) makes a consequential amendment.

Schedule 3 (3) would nullify a conditional grant of an application if any applicable approval or consent given under another Act ceases to have effect.

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Schedule 3 (4) makes a consequential amendment.

Schedule 3 (5) would enable the registrar of the Licensing Court to confirm a conditional approval by the Court.

Schedule 3 (6) proposes the repeal of section 94 of the Principal Act under which certain approvals are required for alterations or additions to licensed premises. These matters would then be within the province of the local council.

Schedule 3 (7) proposes the repeal of section 95 of the Principal Act under which the Liquor Administration Board may require the renovation, structural alteration or rebuilding of licensed premises. These matters would then be within the province of the local council.

Schedule 3 (8) and (9) make consequential amendments.

Schedule 3 (10) makes a consequential amendment to the provisions under which the Liquor Administration Board has power to apportion between the owner of licensed premises and the licensee the cost of compulsory work required by a public authority to be done in relation to the premises.

SCHEDULE 4 - AMENDMENT RELATING TO CASH CREDIT

Schedule 4 imposes statutory conditions of a hotelier's licence. The conditions would

- (a) prohibit the provision of credit by way of a cash advance otherwise than as a prize on an approved amusement device; and
- (b) prohibit the licensee from having on the licensed premises an approved amusement device that is capable of providing cash or credit otherwise than as a prize.

SCHEDULE 5 - TRANSITIONAL PROVISIONS

Clause 1 specifies that, in this proposed Schedule, a reference to the Principal Act is a reference to the Liquor Act 1982.

Clause 2 enables the persons who held office under the Principal Act as superintendent of licences, as Metropolitan licensing inspector or as a licensing inspector to complete matters commenced by them before the abolition of their positions.

Clause 3 makes provision for the transfer of certain functions from the Principal Registrar of the Licensing Court to the Director of Liquor and Gaming.

Clause 4 provides for certain references to the superintendent of licences, the Metropolitan licensing inspector or a licensing inspector to be read as references to a delegate of the Commissioner of Police.

Clause 5 preserves certain conditional grants by the Licensing Court if, immediately before the proposed replacement of section 58 of the Principal Act, they were in force as provided by that section. Provision is also made for the period for which a preserved grant is to continue.

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Clause 6 continues certain authorities and orders for compulsory work on licensed premises if they were in force immediately before the repeal of the provisions under which they were given or made.

Clause 7 provides for the delegation of functions that would be exercisable under this proposed Schedule.
