



New South Wales

Liquor Amendment (Night Time Economy) Regulation 2019

under the
Liquor Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 2007*.

VICTOR DOMINELLO, MP
Minister for Customer Service

Explanatory note

The objects of this Regulation are—

- (a) to increase the maximum patron capacity for small bars and micro-breweries and small distilleries relying on special drink on-premises authorisation, and
- (b) to clarify that listed premises and approved live entertainment venues in the Sydney Central Business District entertainment precinct are not subject to “lock out” restrictions, and
- (c) to repeal the exemption from “lock out” requirements for Mardi Gras 2019 as it is no longer required, and
- (d) to clarify that licensees of certain premises in the Kings Cross precinct may continue to apply for exemptions from the “lock out” and liquor sales cessation restrictions, and
- (e) to extend the State-wide take-away liquor trading hours, and
- (f) to exclude producers and wholesalers from temporary freeze periods on the issue of new licences and other authorisations, and
- (g) to extend the period in which certain eligible licensees are able to convert their existing licence to a small bar licence.

This Regulation is made under the *Liquor Act 2007*, including sections 11(1), 12, 20C(1), 47AB, 99(1) and 159 (the general regulation-making power) and clause 39 of Schedule 1.

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1 Name of Regulation

This Regulation is the *Liquor Amendment (Night Time Economy) Regulation 2019*.

2 Commencement

This Regulation commences on 14 January 2020.

Schedule 1 Amendment of Liquor Regulation 2018

- [1] **Clause 37 Special drink on-premises authorisations for micro-breweries and small distilleries**
Omit “100” from clause 37(1)(d). Insert instead “120”.
- [2] **Clause 39 Small bars—maximum number of patrons**
Omit “100”. Insert instead “120”.
- [3] **Clause 89 “Lock outs” for subject premises in Kings Cross precinct**
Omit “(but only if” from clause 89(2).
Insert instead “if they are in the Kings Cross precinct and”.
- [4] **Clause 89(2)**
Omit “premises)”. Insert instead “premises”.
- [5] **Clause 89A Exemption from “lock out” requirements for Mardi Gras 2019**
Omit the clause.
- [6] **Clause 90 Liquor sales cessation period**
Omit the definition of *liquor sales cessation period* from clause 90(1). Insert instead—
liquor sales cessation period means the period on any day of the week—
(a) for subject premises situated in the Kings Cross precinct—between 3 am and the commencement of the standard trading period referred to in section 12(1)(a)(i) of the Act, or
(b) for subject premises situated in the Sydney CBD Entertainment precinct—
(i) if the premises are declared premises to which a level 1 licence relates (within the meaning of Schedule 4 to the Act)—between 3 am and the commencement of the standard trading period referred to in section 12(1)(a)(i) of the Act, or
(ii) otherwise—between 3.30 am and the commencement of the standard trading period referred to in section 12(1)(a)(i) of the Act.
- [7] **Clause 92 Certain drinks and other types of liquor sales prohibited during general late trading period**
Insert “in the Kings Cross precinct” after “subject premises” in clause 92(2).
- [8] **Clause 102 Exemptions from “lock out” and liquor sales cessation restrictions for live entertainment venues in the Kings Cross precinct**
Insert “in the Kings Cross precinct” after “subject premises” in clause 102(1).
- [9] **Clause 117 Exemption relating to take-away liquor trading hours**
Omit “11 pm” from clause 117(2). Insert instead “midnight”.
- [10] **Clause 117(4) and (5)**
Insert after clause 117(3)—
(4) The licensee of licensed premises (or part of licensed premises) to which this clause applies, or an employee or agent of the licensee, is exempt from so

much of section 9 of the Act as would prohibit the licensee, employee or agent from selling or supplying liquor between 10 pm and 11 pm on any Sunday (other than a Sunday that falls on 24 or 31 December or a restricted trading day) for consumption away from the premises.

- (5) However, the exemption under subclause (4) does not apply in relation to licensed premises if—
- (a) the licence is subject to a condition imposed by the Authority or the Secretary before 14 January 2020 that requires the premises to cease trading before 10 pm on any day that the exemption would otherwise apply, or
 - (b) the exemption referred to in subclause (2) does not apply to the licensee.

[11] Clause 123 Temporary freeze on licences and other authorisations in prescribed precincts

Insert after clause 123(2)(c)(ii)—

- (d) licensed premises to which a producer/wholesaler licence relates.

[12] Part 11, heading

Insert after clause 130—

Part 11 Savings, transitional and repeal

[13] Clause 131 Conversion of existing licences to small bar licences

Omit “this Regulation” wherever occurring in clause 131(1).

Insert instead “the *Liquor Amendment (Night Time Economy) Regulation 2019*”.

[14] Clause 131(2)

Omit “2020”. Insert instead “2021”.

[15] Clause 135

Insert after clause 134—

135 Application of cl 102 to existing exempt licensees of subject premises in Sydney CBD Entertainment precinct

- (1) This clause applies to an order in writing under clause 102(1) that—
- (a) had been served on a licensee of subject premises in the Sydney CBD Entertainment precinct, and
 - (b) was in force immediately before the commencement of the *Liquor Amendment (Night Time Economy) Regulation 2019*.
- (2) From the commencement, the order ceases to have effect.

[16] Schedule 4, heading

Omit “and”. Insert instead “or”.

[17] Schedule 4, Part 2, heading

Insert “—liquor sales cessation restrictions only” after “Sydney CBD Entertainment precinct”.