



**CITY OF
PARRAMATTA**

Submission

To Liquor and Gaming NSW

In response to the draft Liquor Amendment
(24-hour Economy) Bill 2020

Endorsed by Council

09.06.2020

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1. INTRODUCTION

It is understood that the key changes proposed by the draft *Liquor Amendment (24-hour Economy) Bill 2020* are to:

- Create a new incentive and demerit point system that consolidates three existing sanctions schemes into one integrated approach to incentivise well run venues, and minimise violence and reduce serious breaches of liquor laws at the premises;
- Support live music and entertainment by removing outdated entertainment conditions on liquor licensed and waiving application fees to change or remove other existing live music conditions;
- Continue to align liquor licensing and planning processes by:
 - Improving the approvals process for small bar licences
 - Refining Liquor & Gaming NSW's regulatory role in noise compliant compliance and enforcement to reduce overlapping responsibilities
- Allow small bars to offer more family-orientated and diverse services for customers, to support small business and encourage broader use of this lower-risk licence
- Introduce a refined, evidence-based approach to help manage the density of licensed premises in areas with high concentration, and associated risks of alcohol-related violence and anti-social behaviour;
- Make other changes to remove red tape, reduce overlap and improve how the industry is regulated.

Council is very supportive of the key aims and objectives of this draft Amendment. Council has reviewed the proposed changes enabled by this Bill and provide the following comments:

2. REVIEW OF KEY CHANGES

This section provides a response to each of the changes proposed.

A. A new incentives and sanction system – Schedule 1

Commentary on the proposed changes

- Council strongly supports the streamlining of the existing Three Strikes Scheme, Declared Premises Scheme ("Violent Venues Scheme") and Minor Sanctions Scheme into one demerit-style incentive and sanction scheme. As recommended by the Joint Select Committee, good, well-run venues should be rewarded for good behaviour and practices with greater revenue drawn from venues that are non-compliant with regulation and demonstrate instances of serious breaches to liquor laws, violence or safety issues. The general premise of the operation of the scheme is supported by Council, including the approach to various forms of sanctions and how they apply to different forms of breach (serious violence, non-compliance with liquor laws, etc).
- The potential decrease in revenue in liquor licensing fees taken by the State Government is, in Council's view, a small price to pay to incentivise compliance with liquor laws and further promote good venue management.
- Council further supports 3-year expiry of demerit points and the reviews system for expedited removal of demerit points, subject to robust consideration as to why a venue should have demerits removed prior to their expiry after 3 years.
- The publishing of the demerit point register for community viewing and inter-agency consideration, including Councils, is also supported.
- The simplified compliance history risk loading is supported.
- Annual liquor licence fee discounts for well-managed venues (5% after 3 years of no demerits, 10% discount after 5 years) are strongly supported.

Council recommendations

It is recommended that Liquor & Gaming NSW dedicate adequate resourcing on the adoption of the scheme to educate licensees and registered clubs on the new system, through Liquor Accord presentations, the L&G NSW e-Newsletter and other marketing material.

B. A new refined, evidence-based approach to manage the density of licensed premises – Schedule 2

Commentary on the proposed changes

- The Cumulative Impact Assessment Framework seeks to manage potential negative cumulative impacts on the community from licensed premises by allowing the Authority to limit certain liquor-related applications in higher risk areas where there are large concentrations.
- Under the new framework, the Authority would be empowered to publicly issue a 'Cumulative Impact Assessment' that is reviewed on an ongoing basis. The assessment must include a map showing any problem areas ('Cumulative Impact Areas'), where the Authority considers the granting of new high risk licences or late night trading is likely to be inconsistent with its duty under section 48(5) of the *Liquor Act 2007* to ensure that the grant will not be detrimental to the well-being of the local or broader community.

Council recommendations

It is recommended that the timing of categorising 'higher risk' areas is confirmed, the 'higher risk' areas are mapped and made public and the criteria for 'problem areas' is confirmed prior to the implementation of the new Cumulative Impact Framework, and that this information be forwarded to Local Councils.

C. Improved regulatory framework for same day alcohol delivery – Schedule 3

Commentary on the proposed changes

- Council supports the requirement for all same-day alcohol delivery businesses to require a NSW Liquor Licence, and the standardisation of delivery times for consistency across the State.
- Council strongly supports the adoption of regulation requiring sales of same-day alcohol to require the purchaser to show a form of identification, as well as removing the ability for alcohol delivered by these services to be unattended.
- Council strongly supports the further roll-out of Responsible Service of Alcohol Training to staff performing same-day alcohol delivery services to prevent delivery to intoxicated persons.

- It is strongly supported to create an offence where an operator penalises any worker working in alcohol home delivery whom refuses service to a customer based on an RSA assessment.

Council recommendations

Liquor & Gaming NSW should assist the market in the creation of a specific industry program that considers the unique business model of this component of the liquor industry, and make available resources on the program through Liquor Accords, Councils and other relevant stakeholders.

D. Small bar reforms to continue aligning liquor licensing and planning processes and support 24-hour economy diversity – Schedule 4

Commentary on the proposed changes

- Council is very encouraged to see a concerted effort by Liquor & Gaming NSW to see the further uptake of small bar licences which provide diversity to licensed venues types with a lower demonstrated risk profile.
- Provisions to allow minors to be in attendance at small bars where in the company of a responsible adult are supported.
- The capacity for small bars to be able to provide compatible services alongside their liquor-servicing function (such as retail, food and beverage and the like) is strongly supported to promote the take-up of this licence type and promote diversity of offering.
- Fast-tracked assessments of small bar applications are strongly supported. The removal of the requirement for Community Impact Statements where an application requires a Development Application is supported.
- Standardised 2am trading across all small bar licenses is supported.

Council recommendations

Specific information should be provided to Councils that will aid in the assessment of development applications for small bars (and the overall determination of the risk factor for these premises).

E. Supporting live music in venues – Schedule 4

Commentary on the proposed changes

- Council is very encouraged that the Committee’s recommendations with respect to the removal of live music conditions on licensed premises form part of this draft Amendment. The intended aims to remove outdated entertainment conditions on licences, waive fees on applications to vary or remove existing entertainment conditions which restrict or prohibit live music, and prevent entertainment conditions being imposed on licences in the future are strongly supported by Council.
- While the importance of this long overdue reform cannot be understated, it must be fully appreciated that by the virtue of the separate, but related nature of development assessment (largely undertaken by local Councils under the Environmental Planning and Assessment Act 1979) and liquor licensing assessment (undertaken by ILGA under the Liquor Act 2007), the effects of this reform will not be as automatic, or easy as suggested.
- Many local Councils replicate the conditions imposed on liquor licences, particularly where there is a benefit from a regulatory compliance and enforcement perspective to do so. This is the case for many local Councils, including the City of Parramatta, with respect to conditions pertaining to live music.
- While the removal of live music conditions from liquor licences will occur by free (waived fee) application to Liquor & Gaming NSW, to materially be of any effect, the conditions where replicated also need to be removed for the venue’s development consent. City of Parramatta intends to take a reasonable response to these requests (when received), however as considerations for live music’s impact on local amenity as specific to venue and place, approaches are likely to be inconsistently applied across the State.

Council recommendations

1. An information pack for licensed venues and Councils should be prepared to communicate how to remove these conditions by application to Liquor & Gaming NSW. Clear information about the need to check for replication on a venue’s development consent must be communicated as part of this communication.
2. Guidance for Councils in being flexible for removing conditions (where considered unnecessary or cumbersome) should also be included in this information upon adoption.

F. Aligning compliance and enforcement responsibilities in relation to noise – Schedule 4

Commentary on the proposed changes

- Council is very encouraged by the proposed changes to compliance and enforcement responsibilities in relation to noise. As noted by the Committee and by this review, currently up to 7 different government agencies and bodies are responsible for managing noise, causing unnecessary confusion and complexity for venues.

- Council strongly supports the removal of the current regulatory overlap and the proposal for Liquor & Gaming NSW to not have a role in disturbance complaints about noise coming from within a venue (including live music).

Council recommendations

In the implementation of this change, specific communication to Councils (with example scenarios) should be provided to all Councils to understand very clearly the instance in which Liquor & Gaming NSW may still consider any amenity complaints – and who complaints should go to in the first instance (which in most circumstances would be local councils). This information should also be forwarded to Local Liquor Accords.

G. Other minor and procedural changes that remove unnecessary red tape – Schedule 4

Commentary on the proposed changes

Council is encouraged to see some further removal of unnecessary red tape within the *Liquor Regulation 2018*. Council supports these changes, per the below:

Miscellaneous changes	City of Parramatta position
Take-away liquor trading hours will be regularised by making legislative changes, rather than relying on the exemption provided under clause 117 of the <i>Liquor Regulation 2018</i> . This aims to: <ol style="list-style-type: none"> 1. Allow existing premises to retain their current trading hours under clause 117; 2. Make it easier for licensees to understand their trading hours. 	Supported
The intoxication defence will be clarified to provide industry with certainty around when the defence applies	Supported
Signage requirements are being updated to enable licensees to print their own signs	Supported – where from a centralised database of approved signage types.
The Australia Post Digital iD will become an acceptable form of evidence of age at venues	Supported

3. CONCLUSION

Council looks forward to working with Liquor & Gaming NSW on the implementation of these positive changes to our liquor licensing system in New South Wales.

Should you have any questions about Council's submission, please contact **Beau Reid – Project Officer Economic Development** on 02 9806 5538 or BReid@cityofparramatta.nsw.gov.au.