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Update Summary

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LIQUOR LICENSING LAW AND PRACTICE NEW SOUTH WALES

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Liquor Licensing Law & Practice NSW

[23.30] Update Summary

The annotations have been reviewed and updated by the author. Highlights include:

Liquor Licensing Commentary

By the *Administrative Arrangements (Second Perrottet Ministry–Transitional) Order 2021*, with effect from 21 December 2021, Liquor & Gaming NSW was transferred to the Department of Enterprise, Investment & Trade. See [LLC.1000] to [LLC.1040].

Author's view regarding the same day delivery regime introduced by the *Liquor Amendment (Night-time Economy) Act 2020*. Also added further commentary with reference to *Independent Liquor and Gaming Authority v Whitebull HTL Pty Ltd* [2023] NSWCA 224, in which the NSW Court of Appeal considered the reach of the Act and ILGA's powers to impose conditions on a licence where there was an application brought under the *Gaming Machines Act 2001*. See [LLC.1510].

Author's commentary in relation to barriers to innovation and competition. See [LLC.1520].

Images and links to GL4001 Liquor promotion guidelines, GL4002 Prevention of Intoxication on licensed premises guidelines and GL4003 Intoxication guidelines have been updated to the latest version. See [LLC.8080].

Added new commentary on gaming and liquor legislation offences. See [LLC.830] to [LLC.8303].

Liquor Act 2007

Added commentary in relation to extended trading authorization and updated links to forms AM0488 (Change 6-hour closure period – application by licensee) and AM0499 (Change 6-hour closure period – Submission by Commissioner of Police or Secretary of the NSW Department of Customer Service). See [LA.11A.20].

Section 12(1B) extends the standard trading period on a Sunday that falls on 24 December, but s 12(1C) confines the operation of that provision to those parts of a hotel which are used for takeaway sales. See [LA.12.20].

Added new commentary regarding extended hours for dedicated live performance venues. See [LA.12.30].

Section 14 is to be read in conjunction with s 12, which provides for the standard trading period, which operates on different days of the week. See [LA.14.20].

Updated link to form AM0120 (Change liquor licence condition – application by licensee) and commentary with reference to *ILGA v Whitebull HTL Pty Ltd* [2023] NSWCA 224. See [LA.53.20].

Hotel and Club Gaming Commentary

Added new commentary concerning the interplay between *Gaming Machines Act 2001* and *Liquor Act 2007*, with reference to cases *ILGA v Whitebull HTL Pty Ltd* [2023] NSWCA 224 and *Commissioner of Police (NSW) v Cottle* [2022] HCA 7. See [HCGC.120].

As observed by the Court of Appeal in *ILGA v Whitebull HTL Pty Ltd* [2023] NSWCA 224, s 19 GMA does not expressly provide ILGA with a power to approve a GME transfer; however, such a power can be implied (at [74]). See [HCGC.220].

Added reference to cases *Tourist Accommodation Pty Ltd v ILGA* [2023] NSWCA 67 and in *ILGA v 4 Boys (NSW) Pty Ltd* [2023] NSWCA 210. See [HCGC.600].

