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Update Summary

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UPDATE 182

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LIQUOR LICENSING LAW AND PRACTICE NEW SOUTH WALES

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Liquor Licensing Law & Practice NSW

[24.10] Update Summary

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

Liquor Licensing Commentary

Added new commentary concerning the move to online applications. See [LLC.2005].

Fee unit figure is updated for financial year 2023/2024. See [LLC.2040].

Since 2019 a number of applications involving a hotel licence or a club licence have had to be accompanied by a gaming plan of management, which had to meet the minimum requirements of the Authority. See [LLC.2140].

The application flowchart has been updated, and a table showing applications where a gaming plan of management is required has been added. See [LLC.2160].

Section 13A of the *Gaming & Liquor Administration Act 2007* has to be read with ss 9 and 55(1) of the *Administrative Decisions Review Act 1997*. See [LLC.2400].

The ability to bring a merit appeal to NCAT is further constrained by the requirement that only a "relevant person" may appeal to NCAT (s 13A(1)). See [LLC.2420].

Added new commentary in relation to ceasing to be a relevant person and the loss of the right to appeal to NCAT. See [LLC.2430].

Updated commentary in relation to standard trading periods, extended trading hours authorisation and the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023*. See [LLC.3060] and [LLC.3080].

Updated commentary on the limited areas for extended trading after midnight on a Sunday for hotels, and special occasion authorization for a hotel licence. See [LLC.3100] and [LLC.3120].

The common law meaning of what is a special occasion, was displaced upon the addition of s 25(4A) to the prior Act in 2000. See [LLC.3140].

Added new commentary on special events extended trading hours. See [LLC.3190].

New commentary regarding special event extended trading periods and special occasion extended trading authorisations being specified development for the purposes of Clause 131 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. See [LLC.3195].

Updated commentary in relation to when and for what a development consent is required. See [LLC.4600].

Copies of the Planning Circular PS 09-028 and Planning Circular PS 09-028 are provided. See [LLC.4640] and [LLC.4660].

It is possible that the person in question might have a mental health condition, which leads the person to exhibit behavior that could be confused with being a state of intoxication (with reference to *Quinlan v Independent Liquor & Gaming Authority* [2023] NSWCATAD 331). See [LLC.8020].

Updated commentary concerning the onus shifting provisions in s 73(4). See [LLC.8100].

New section commentary in relation to minors on licensed premises. See [LLC.8200] to [LLC.8290], [LA.117.40], [LA.117.140].

Added new commentary concerning licence transfer with incomplete applications or NCAT appeals, with reference to *Taphouse Investments Pty Ltd v Independent Liquor & Gaming Authority* [2023] NSWCATAP 171. See [LLC.8570].

Liquor Act 2007

Updated the definition of "liquor" as given by *the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023*. See [LA.4.20].

Updated commentary regarding changes to the standard trading period. See [LA.12.20].

The *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023* has given "prescribed live music venues" and "prescribed live performance venues" an additional 2 hours of trading, should certain preconditions be met. See [LA.12.30].

Special event extended trading periods permitted under s 13 of the Act, as well as special occasion variations of trading hours granted under s 49(5)(d) and s 49A(3)(b) do prevail over any restriction on hours contained in the venue's development consent. See [LA.13.20].

