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Update Summary

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UPDATE 183

DECEMBER 2024

LIQUOR LICENSING LAW AND PRACTICE NEW SOUTH WALES

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Material Code 41906394

Print Post Approved PP255003/00404

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Update Summary

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

Liquor Licensing Commentary

Updated information on the members of the Independent Liquor and Gaming Authority. See [LLC.520].

Added new commentary on the effect of a change in the licensee/applicant after making the application to the Independent Liquor and Gaming Authority, with reference to Taphouse Investments litigation. See [LLC.2015].

Updated commentary in relation to public notification of application, including the distinction between a “full notification application” and a “limited notification application”, and the list of government stakeholders to whom the Secretary is required to give notice, per the *Liquor Regulation 2018*. See [LLC.2120] and [LLC.2600].

Updated annotation regarding the application procedure. New application flowchart table is provided along with commentary relating to the amendment of the standard trading period. See [LLC.2140] and [LLC.2160].

On 1 September 2024, Schedule 1[19] of the *Gaming Machines and Liquor Amendment (Harm Minimisation Measures) Regulation 2024* commenced. See [LLC.2160].

New introduction and commentary concerning statement of risks and potential effects, and the former community impact statements and cumulative impact assessments regimes. See [LLC.2500], [LLC.2510] and [LLC.2520].

Amended annotation regarding the identification of the local and the broader community. See [LLC.2540].

A relevant application is one prescribed by the Regulations or made in the circumstances prescribed by the Regulations. See [LLC.2580].

Under the former CIS test, the Authority was to be concerned with the “overall social impact”, whereas under the new SORPE test, the Authority is required to consider a broader range of impacts in its assessment of the “overall impact”. See [LLC.2620].

On 16 August 2024, a Liquor & Gaming News Item announced that the Authority would withdraw its Guideline 18. See [LLC.2640].

Commentary on the now-withdrawn Cumulative Impact Assessment test has been revised. See [LLC.2650].

Updated annotation on the requirement to only sell, supply and allow the consumption of alcohol on licensed premises, with reference to *Taphouse Investments Pty Ltd v ILGA* [2024] NSWCS 240. See [LLC.3040].

By virtue of the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023*, all of the disturbance complaint provisions in the Act were replaced. See [LLC.6000], [LLC.6020], [LLC.6040].

Added commentary regarding the levels of disturbance (per ss 79B and 80A(1)(a) of the Act), order of occupancy and venue which the Secretary must consider. See [LLC.6120], [LLC.6145], [LLC.6150] and [LLC.6160].

Noise Abatement Directions under the POEO Act ceased to be applicable to licensed premises as a consequence of the Vibrancy Reforms coming into force. See [LLC.6180].

Liquor Act 2007

For a licence to be granted for a general store, the Authority must be satisfied that no other take-away service is reasonably available to the public in the neighbourhood of the premises concerned. Reference made to case *Annamneni v ILGS* [2024] NSWCATAD 106. See [LA.31.20].

Section 48(1) requires “relevant applications” to be accompanied by a statement of risks and potential effects (SORPE) which involves a test that is concerned with the “overall impact. There is no longer any requirement for a round of community consultation with relevant stakeholders before the application is lodged. See [LA.48.20] and [LA.48.40].

